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Answered May 25

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No 778.



United States Legation,

Japan,

April 18, 1878.

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Answered Mch 25

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No 778.



United States Legation,

Japan,

Tokei, April 18, 1878.

Mr Bingham

to the

Hon. Secretary of State.

Subject.

Application for a supply of stationery.

No 778.

United States Legation,

Japan,

Tokei, April 18, 1878.

Hon. William M. Evarts,

Secretary of State,

Washington D.C.

Sir:

I beg leave respectfully to request a supply of despatch paper, letter paper and official and letter envelopes.

I have the honor to be,

Sir,

Your obedient servant,

M: a Bingham

Ans

No 779.

Ack May 25.

W Bayon

DEPARTMENT OF STATE
MAY
16
1878
RECEIVED

United States Legation,
Japan,
Tokei, April 18, 1878.

Mr Bingham
to the
Hon. Secretary of State.

Subject.

The Japan Herald republishes a letter sent from Yokohama to the Allgemeine Zeitung in which it is said that the American Representative in Japan is seeking to make a reciprocal commercial treaty with Japan by which, the letter alleges, the United States would be enabled to monopolize the trade with Japan. Mr Bingham, while showing the falsity of the statements in this articles, expresses the opinion that its purpose is to bring about combined action by the European Powers

against any revision of the treaties which will be advantageous either to Japan or to the United States.

Enclosure.

Extract from the Japan Daily Herald, April 5, 1878.

No. 779.

United States Legation,
Japan,
Tokei, April 18, 1878.

Hon. William M. Evarts,
Secretary of State,
Washington D.C.

Sir:

I have the honor to enclose herewith 1/ an article printed in the Japan Daily Herald of the 5th instant, setting forth a publication which appeared in the Allgemeine Zeitung (Berlin) on treaty revision.

Galignani's Messenger (country and foreign edition) of date the 16th of February 1878 contains the same article.

Thus it appears that the German

Empire, in Great Britain and Japan
this article, originating in Yokohama,
is published, to notify whom it may
concern, among other things, of the
increase of trade between Japan and
the United States of America, and
especially that Japan demands a
revision of existing treaties "with a
"view to benefitting native industries
"which have greatly suffered of late"
in this Empire, and that "the Represen-
"tative of the United States (in Japan)
"is endeavoring to conclude a recip-
"rocity treaty with Japan similar to
"that which is in force with the Sandwich
"Islands", and that "such a treaty would
"throw all the foreign trade of Japan
"into the hands of the Americans, and
"at the same time greatly raise the
"trade in the interior". This, I suppose,
is intended to renew in Europe

the enquiry started against me in 1874, whether I was acting under instructions or upon my own judgment. (See my No 131 of date — October 6, 1874.) It is but just to myself that I say, that I have not at any time endeavored to conclude a reciprocity treaty, or any treaty whatever with Japan.

Permit me to add that as the statement of this article touching my action in the premises is false, it seems to me that the purpose of the article is to unite the European Powers against any revision of existing treaties with Japan, which, by possibility, would remove either to the benefit of Japan, or of the United States.

It is clear to me that by a just revision of our treaties with Japan and China, the United States may largely, if not exclusively, control the foreign trade

trade of both countries.

I have the honor to be,

Sir,

Your obedient servant,

Wm. A. Leighton

No 779.

Enclosure

Extract from the Japan Daily Herald,

April 5, 1878.

A letter from Yokohama in the *Allgemeine Zeitung* states that the late revolution in Japan has not only entailed a heavy expenditure—amounting to $44,680,940—on the Public Treasury, but has severely shaken the confidence of the people in the Government. The Mikado appears now to perceive that he has gone too far in the way of reform and has made too many concessions to foreign Powers. All the treaties are therefore to be submitted to revision; and there is reason to believe that this will be done with a view to benefiting the native industries, which have greatly suffered of late. Foreign trade will, it is said, be given more freedom, and all the harbours will be opened so as to afford the greatest possible facilities for the exportation of the production of the country; and many fear that the import duties will at the same time be increased. The representative of the United States is endeavouring to conclude a reciprocity treaty with Japan similar to that which is in force with the Sandwich Islands. The trade with San Francisco is already very considerable, and nearly all the tea produced in Japan—the last steamer took 15,473 chests—goes there. In return the Japanese tea dealers receive mostly cash, with small quantities of meal, wine, mineral oil, and other goods. Such a treaty would throw all the foreign trade of Japan into the hands of the Americans, and at the same time greatly raise the trade in the interior. Industrial exhibitions have with this object already been opened in the principal towns, and the coinage has been altered so as to make it of the same size and values as the United States coins. The value of the new coins which have been struck according to this system during the past three years is no less than $77,000,000, and Mexican and American dollars have almost disappeared from circulation.

No 449.

Duplicate Enclosure.

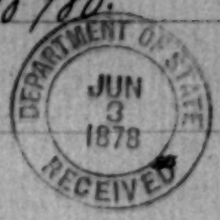
Extract from the Japan Daily Herald

April 5th, 1878.

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Mr Payson

No 780.



United States Legation,

Japan,

Tokei, April 29, 1878.

Mr Bingham

to the

Hon. Secretary of State

Subject.

Receipt of Instructions Nos. 338, 339, 340, 341, 342, 343, 344 and 345.

No 780.

United States Legation,
Japan,
Tokei, April 29, 1878.

Hon. William M. Evarts,
Secretary of State,
Washington, D.C.

Sir:

I have the honor to acknowledge the receipt of Instructions numbered, respectively, 338, 339, 340, 341, 342, 343, 344 and 345, with enclosures.

I have the honor to be,
Sir,
Your obedient servant,
Jno. A Bingham

Mr Payson
Col. Morgan

United States Legation,
Japan,
Tokei, April 29, 1878.

DEPARTMENT OF STATE
JUN
3
1878
RECEIVED

Hon. William M. Evarts,
Secretary of State,
Washington D.C.

Sir:

I have the honor to enclose herewith my duplicate Statement of account for salary for the Quarter ending March 31st last.

I have the honor to be,
Sir,
Your obedient servant,
D W Stevens
Secretary of Legation.

Filed
5/m

Mr Payson
Col. Morgan

No 781.



United States Legation,
Japan,
Tokei, April 29, 1878.

Mr Bingham
to the
Hon. Secretary of State.

Subject.
Enclosing duplicate account for the Quarter ending March 31, 1878.

Enclosures.
Statement of Account.
Abstract of contingent expenses.
Seven (7) vouchers for contingencies.
Two (2) Exchange vouchers.

No 781.

United States Legation,
Japan,
Tokei, April 29, 1878.

Hon. William M. Evarts,
Secretary of State,
Washington D.C.

Sir:

Referring to my No 775,
in which I enclosed my first
statement of account, with abstract
and vouchers for the Quarter ending
the 31st of March last, I now have
the honor to enclose herewith a
duplicate of the same account
and vouchers for the said Quarter.

The statement shows that
I drew and received for salary for said

said Quarter $3000 00. United States gold, and no more, and for Contingent expenses $142 93. United States gold, and no more; that I credit the United States with said two sums and also with passport fee for said Quarter $5 00, reported in my No 776; and that my salary — $3000 00 — for the Quarter, and my contingent expenditures for the same Quarter viz: $147 93, balance the credits of the Government including the passport fee of Mr Cooper.

I have the honor to be,

Sir,

Your obedient Servant,

Wm A Bingham

Ack. June 5

No 782. W Payson



United States Legation,
Japan,
Tokei, April 29, 1878.

Mr Bingham
to the
Hon. Secretary of State.

Subject.

Mr Bingham reports to the Japanese authorities Mr Van Buren's return and resumption of his official duties.

No 782.

United States Legation,
Japan,
Tokei, April 29, 1878.

Hon. William M. Evarts,
Secretary of State,
Washington, D.C.

Sir:

On the 25th instant I officially informed this Government that Thomas B. Van Buren Esq had returned to his post and resumed the duties of the office of United States Consul General at Kanagawa.

I have the honor to be, Sir,
Your obedient servant,
Jno A. Bingham

Ack. Compl. 16
Dd & c Jno.
W Payson

No 783.



United States Legation,
Japan,
Tokei, April 29, 1878.

Mr Bingham
to the
Hon. Secretary of State.

Subject.

Mr Bingham requests a copy of Wheaton's International Law.

No 783.

United States Legation,
Japan,
Tokei, April 29, 1878.

Hon. William M. Evarts,
Secretary of State,
Washington, D.C.

Sir:

I beg leave to request for the use of this Legation, a copy of Wheaton's International Law. I hope that there is a spare copy of this valuable work in the Department. It is not on sale here.

I have the honor to be, Sir,
Your obedient Servant,
M. A. Bingham

Ack^d June 5.

Adv. 76

No 784. W Payson



United States Legation,
Japan.
Tokei, April 29, 1878.

Mr Bingham
to the
Hon. Secretary of State.

Subject.

General Saigo Takamichi appointed Japanese Envoy Ex. and Minister Plen. to Italy. Instructed to revise the treaty with Italy.

No. 784.

United States Legation,
Japan,
Tokei, April 29, 1878.

Hon. William M. Evarts,
Secretary of State,
Washington, D.C.

Sir:

Lieutenant General Saigo Tsu=
kumichi, who acted for His Imperial
Majesty as Commissioner to the
Philadelphia Exposition, has been
appointed Envoy Extraordinary and
Minister Plenipotentiary of Japan
to the Italian Court. In an inter=
view with me a few days since General
Saigo said that he had not yet
received his instructions, but that
he

he supposed he would be specially instructed,
as the other Foreign Representatives
of Japan have been, to negotiate
with the Italian Government a
revision of the existing treaty
of Japan with Italy.
The General leaves in May for
his post of duty.

I have the honor to be,

Sir,

Your obedient servant,

Mc A. Pruyn

Given to press June 6. 1878 Addressed

Ack'd June 5th

No 785.



United States Legation,
Japan,
Tokei April 30, 1878.

Mr Bingham
to the
Hon. Secretary of State.

Subject.

Customs report for March. Imports — $2.882.382 63; exports $1,729,129 77; import of specie and bullion $19,500 00; export of same $1,785,878 00.

Enclosure.

Monthly report of Customs March.

No 785.

United States Legation,
Japan,
Tokei, April 30, 1878.

Hon. William M. Evarts,
Secretary of State,
Washington, D.C.

Sir:

I have the honor to enclose for your information the "Monthly Return of His Imperial Majesty's Customs of Japan for the month of "March 1878," from which it appears that the value of exports for said month of domestic productions was yen 1,729,129 $\frac{47}{}$; and that the value of imports for the month was yen 2,882,382 $\frac{63}{}$, being in excess of the

the exports to the amount of gold yen 1,153,252 86; and that the whole amount of export and import duties was yen 189,091 92, being less than 4/4 per cent upon the total valuation of imports and exports. It also appears by this return that for said month the import of specie and bullion was in value yen 19,500 00, and that the export thereof for the same time was to the value of yen 1,785,878 00, showing an excess of export of specie and bullion for the month of yen 1,766,378 00.

The gold yen is about the value of our gold dollar intrinsically.

I have the honor to be, Sir,

Your obedient servant,

Wm A Bringham

James William Hozier informed by letter of June 6 letter asks for confirmation of to authority to receive the draft June 13.

Ack'd June 6

Draft sent to same June 18

No 786.

H Payson

DEPARTMENT OF STATE JUN 3 1878 RECEIVED

United States Legation,
Japan,
Tokei, April 30, 1878.

Mr Bingham
to the
Hon. Secretary of State.

Subject.

Mr Bingham encloses a draft for $5000 00, gold, paid by the Japanese Government in settlement of the claim of Dr Wm H. Hozier.

Enclosures.

1. Mr Bingham to Mr Terashima, March 19, 1878.
2. Same to same, April 25, 1878.

3.

3. Gold draft for $5005.00 endorsed
by Mr Bingham to the order of
the Honorable the Secretary of State.
4. Mr James W. Hozier to Mr Bingham,
Sept. 24, 1877.

No 786.

United States Legation,
Japan,
Tokei, April 30, 1878.

Hon. William M. Evarts,
Secretary of State,
Washington, D.C.

Sir:

Referring to Instruction No 335 of date the 25th of January last in relation to the proposed payment by this Government of five thousand dollars ($5000 00) by way of compromise and settlement of the claim of Dr William H. Hozier, deceased, as communicated in my No 667, I have the honor to acquaint you that on the

the 19th ultimo I addressed to
His Excellency Mr Terashima, the
Minister for Foreign Affairs, a
despatch in which I made
known to him the acceptance
by you of his proposition to
pay Five thousand dollars
($5000.00) in compromise and set-
tlement of said claim, a copy
1/786 of which despatch is herewith.
I am in receipt of a despatch from
Mr Terashima of date the 24th instant
enclosing a gold draft on Messrs
Bell and Smithers, New York, dated
April 20, 1878, for the sum of Five
thousand dollars ($5000.00) payable
to my order, which I have accepted
in accordance with your Instruction
in satisfaction of the said claim of

Dr

No 786.

Enclosure 4.

Copy.

1405 Yardley Street,
Phila Sept 24, 1877.

The Honble John A. Bingham,

Dear Sir:

Would you be so kind as to inform me concerning my late son's claim against the Japanese Government. I have written to Washington and have been informed that nothing had been heard from you concerning the matter, but that you were about to visit the United States on leave of absence and would report on the matter. My son, the late

late Dr William H. Hozier, made
a will and made me his ex-
ecutor, and left three orphans
boys to be provided for, His mother
and myself are very old and in
needy circumstances, and it
would be a very great charity
if you would use your
influence in having the matter
brought to a speedy termination.
Hoping you will excuse the
liberty I have taken in addressing
you.

I have the honor to be
Y. Ex. obedient servant,
(Sgd.) James Wm Hozier.

Dr William H. Hozier as per my
despatch to Mr Terashima No 688.
2/1786 of date the 25th instant, a copy
of which despatch is herewith enclosed.
The draft so received I have endorsed
to your order, and have the honor
3/1786 to enclose the same herewith
endorsed as above stated.
In my No 676 of date the 19th
of November last I communicated
the fact that by a letter from
James William Hozier of Phila=
delphia, of date September 24, 1877.
4/1786 (a copy of which is herewith) I
was informed that the writer
thereof was the father and executor
of said Dr William Henry Hozier
now deceased. I may be per=
mitted to say that I have no
knowledge

knowledge of Mr James William Hozier or of his relation to the deceased claimant save his own representation as above, but I have no reason to doubt that his representation is true and that the three sons of Dr William Henry Hozier referred to in the letter are the parties in interest and represented by him.

Respectfully submitted in the hope that the settlement made will be satisfactory to the parties in interest, in view of the fact that while I insisted on the payment of Ten thousand dollars ($10,000.00) as I heretofore communicated to the Department, the sum of Five thousand dollars ($5000.00)

($5,000 00/100) as herein transmitted is all that I was able to obtain and all that this Government was willing to pay or did pay in the premises.

I have the honor to be,

Sir,

Your obedient servant,

Wm. A. Bingham

No 786.

Enclosure 1.

Copy.

688. U. S. Legation

Tokei April 25. 1878

H. E. Terashima Munenori.

&c. &c. &c.

Sir:

I have the honor to acknowledge the receipt of Y. Es despatch No. 9. and dated the 24th inst. in which referring to my No. 667. of the 19th of March last in relation to the settlement by Y. Es. Govt. of the claim of the late Dr. William Henry Hosier, Y. E. encloses according to my request a gold draft payable to my order and drawn by the Oriental Bank of Yokohama, for the sum of $ 500 U. S. gold

to be transmitted by me as G. E. -
requests to the Honorable the Secretary
of State of the U. S. of America in
full payment, as heretofore proposed by
G. E. of said claim of Dr. Wm. H. Hosier.

Under the Instruction of my Govt.
I have the honor to accept and do hereby
accept said draft of $5000 U. S. gold,
by way of compromise and as a final
settlement of said claim of said Dr.
Wm. H. Hosier, and will take pleasure
in transmitting said draft duly
endorsed by me to the order of the
Honorable the Secretary of State, Mr.
Evarts, to the end that the proceeds
of said draft may be transmitted
to the legal representatives of Dr.
Wm. H. Hosier, for the benefit of his
orphan children.

Upon Instruction from my Govt. acquainting me of the receipt of the draft so to be transmitted, I will immediately advise Y. E.

I beg leave to renew to Y. E. the assurance of my high consideration.

(Signed) Jno. A. Bingham.

No 786.

Enclosure 2.

Copy.

667. U. S. Legation
Yokohama, March 19. 1878.

H. E. Terashima Munenori.
&c. &c. &c.

Sir:

Referring to Y. E's despatch of the 21st of December last in relation to the claim of Dr. Wm H. Hosier and also to my reply thereto No 630 of date 22d December last. I now have the honor to acquaint you that after submitting Y. E's proposition to my Govt. I am authorized to accept the equivalent of $5000 U. S. gold.

that is a gold draft to my order for $5000. U. S. gold, and on receipt of the same I am authorized to give to Y. E's Govt. a full receipt and acquittance of the same.

As Y. E. signified in our conversation last week, when I had the honor to verbally make known this conclusion of the matter, your willingness to pay me the $6000 in a U. S. gold draft. I trust that it may be convenient to Y. E. to send me the draft or make the deposit to my credit of $5000 in gold and the exchange for the draft on America, that I may receive and transmit the same by the 22d instant.

Accept I pray Y. E. the assurance of my high consideration.

(Signed) Jno. A. Bingham.

Ack'd June 5

Feb 26

No 787.

W Payson



United States Legation,

Japan,

Tokei, April 30, 1878.

Mr Bingham

to the

Hon Secretary of State.

Subject.

The Japan Herald, alluding to an accusation brought in several Japanese newspapers against a high Japanese official of having murdered his wife, says that the treatment of the matter by the Japanese Govt. will have a great effect upon the discussion of the extra-territorial Clause in the proposed Change of treaties, and concludes by asking Mr Bingham's

"thoughts upon the grave matter". Mr. Bingham alludes to the fact, in answer to the inuendo of this article, that he has never favored the abolition or change of the extra-territorial clause.

Enclosure.

Extract from the Japan Daily Herald. April 29, 1878.

No 787.

United States Legation,
Japan,
Tokei, April 30, 1878.

Hon. William M. Evarts,
Secretary of State,
Washington D.C.

Sir:

Some days ago there appeared in one or more Japanese journals a statement to the effect that a high Japanese official had by violence caused the death of his wife. So far as I am advised the official referred to has not been named in the public journals.

The Japan Daily Herald

7

of yesterday makes the "fearful
"scandal", as the editor terms
it, the occasion of an article
which declares that "an authoritative
"denial" of the accusation if it
be false "should be made and
"the authors of it punished under
"the new code"; and adds that if
the accusation be true "the
"action or inaction" which "the
"Imperial Government may adopt"
will have "a significant effect
"when the Extra-territoriality question
"is to be discussed here or in
"Europe", and concludes with
the words "we (the editor) would
"like to know the Honorable
"Mr Bingham's thoughts upon
"this grave matter."

As

As I have not at any time favored a change of the existing extra-territorial provisions of the Japanese treaties, and as this Government does not at present ask any change of treaty in that behalf, it is difficult to see why that subject is introduced by the editor in his article, or why he wishes to know my thoughts on the grave matter of accusation of which he writes and about the truth of which I know nothing whatever.

I have the honor to enclose a copy of the article referred to.

I have the honor to be, Sir,

Your obedient servant,

Jno. A. Bingham

No 487.

Enclosure.

Extract from the Japan Daily Herald. April 29th 1878.

We are very sorry to see that so far no notice has been taken by the executive in the matter of the frightful scandal, which is common subject of discussion amongst foreigners and natives. If the circumstantial charges of murder, which are freely made against a high personage, are false, authoritative denial should be made, and the Japanese of the capital who have concocted the horrid slander should be brought under the law of the new code, which makes ample provision for such a case. But if the dreadful charge should be true, is the culprit to escape because he is powerful? We can assure the Imperial government that the action or inaction it may adopt will have significant effect when the extra-territoriality question is to be discussed, here or in Europe. We would like to know the Honorable Mr. Bingham's thoughts about this grave matter.

Inclosure 1 in No 788.

Did so June 5th
W Bingham

No 788.



United States Legation,

Japan,

Tokei, April 30, 1878.

Mr Bingham

to the

Hon. Secretary of State.

Subject.

The Arbitrators in the "Peihs" claim (Mr Batchelder vs the Japanese Govt.) having failed to agree upon an award, they concur in the selection of Mr von Eisendecher, the German Minister, as Umpire. In this choice Mr Bingham and Mr Terashima concur and jointly notify Mr von Eisendecher of his appointment.

He accepts subject to the approval of his Govt., and on condition that he take the papers in the case with him to Germany, whither he is about to go on leave, and certify back his decision.

Enclosures.

1. Protocol in the "Peiks" claim.
2. Messrs Denison and Sands to Mr Bingham, April 22/78.
3. Messrs Bingham and Terashima to Mr von Eisendecher, April 23/78.
4. Mr von Eisendecher to Mr Bingham, April 25/78.

No 788.

United States Legation,
Japan,
Tokio April 30, 1878.

Hon. William M Evarts,
Secretary of State,
Washington D.C.

Sir:

Referring to Department Instructions numbered 32 and 148, respectively, and to my several despatches therein mentioned, and also referring to my Nos. 200 of date March 3, 1875. and 382, of date April 17, 1876, and 408, of date June 2, 1876, in relation to the claim of J. M. Batchelder, a citizen of the United States,

against

against the Japanese Government for the wrongful seizure and detention by the officials thereof of the American merchant steamship "Peiho," the property of said Batchelder and also to the submission of said claim to the arbitrament and decision of Mr Henry W. Denison, chosen by me, and Mr Sano Tsunetami, chosen by the Japanese Government, in pursuance of the protocal of submission drawn by me and entered into with this Government in accordance with said Instructions 32 and 148; (a copy of which protocol is herewith)

1/1788

I have the honor to further report, that after a long and careful consideration of the matter so submitted to them the

the said arbitrators were unable
to agree upon an award in the
premises, and on the 22d ultimo
by a joint note acquainted me of
their inability to agree upon an
award, and that, under the express
authority of the protocal, they
had solicited His Excellency C.
von Eisendecher, the German
Minister Resident in Japan, to
be Umpire in the premises, a copy
of which joint note of Mr
Denison and Mr Sano is
2/1788 herewith. On the 23d ultimo
I prepared a joint note, in which
His Excellency Mr Terashima, the
Minister for Foreign Affairs, con-
curred, and signed the same
with me, informing Mr von
Eisendecher

Eisendecher of his appointment
as Umpire in the matter so
submitted and requesting his
acceptance thereof on behalf
of our respective Governments,
3/188 a copy of which joint note to
Mr von Eisendecher is also
herewith. On the 25th ultimo
Mr von Eisendecher addressed
me a letter acknowledging the
receipt of the joint note of Mr
Terashima and myself and
accepting the appointment of
Umpire under said protocol,
subject to the condition that his
Government would authorize him
to act in the matter, and further
stating therein that he was about
to return to Germany on
leave

leave, that he would receive the papers in the case, carry them with him, and duly return the same, and that he would also certify to the Foreign Office and to this Legation his award, in the event that his Government should authorize him to act as Umpire, a copy of which letter of acceptance

4/788 is also enclosed.

A like letter having been addressed by Mr von Eisendecher to Mr Terashima, the latter verbally concurred with me in the proposition of the German Minister.

The Arbitrators, Mr Sano and Mr Denison, certified the record and all the written evidence submitted

mitted in the case, and enclosed therewith copies of the several arguments of the respective parties and also copies of their own opinions in the case, and delivered the same to Mr von Eisendecher on the 30th ultimo under the seal of the Foreign Office.

I trust that my action in the premises may meet your approval, and that the German Government will consent that Mr von Eisendecher may act as Umpire and finally decide, as provided in the protocol, this vexed question between the Government of Japan and that of the United States.

I have the honor to be, Sir, Your obt. servant,

Wm. A. Kingham

No 188.

Enclosure 1.

Copy.

Protocol.

Tokei March 3 1876.

Whereas a merchant vessel named the "Seiho" formerly known as the "Taikiang" and "Taikomaru" built in the United States of America and purchased on the 17th day of May 1869 by Joseph Mc. Batchelder. a citizin of the United States of America from Fabre Bourne and Co. a French firm at Hakodate, who had bought said vessel from Enomoto Idsumi on the 27th day of January 1869. was in the year 1869 in the posession of said Batchelder as the owner thereof, and while so possessed by him was, in Awamori Bay, while

bearing the flag of the United States of America, seized, about the 19th day of May 1869. by order of Mr. Yashibi His Imperial Japanese Majesty's officer, who was then in charge of affairs at Hakodate, and was retained until about the 26th day of September 1869, when, the same, upon the demand of the United States Minister then accredited to Japan, was released by order of His Majesty's Government to the United States Consul at Hakodate, who receives the same for the said Joseph M. Batchelder as the owner thereof.

And whereas by reason of said seizure and detention of said vessel, said Batchelder claims and alleges that he suffered large damages, to wit: the loss of the use of said vessel during

the time of its detention as aforesaid, and the loss of said vessel on the voyage from Hakodate to Shanghai, China.

And whereas said Batchelder preferred a claim against His Imperial Japanese Majesty's government for the damages so alleged to have been sustained by him in the premises.

And whereas His Imperial Japanese Majesty's government and the government of the United States have not been able to come to a satisfactory settlement of said claim, because their opinions in relation thereto differ.

And whereas His Imperial Japanese Majesty has duly authorized Terashima Munenori His Majesty's Minister for Foreign Affairs, to enter into a Protocol for the arbitration of said claim with

with John A. Bingham, Envoy Extraordi-
nary and Minister Plenipotentiary of the
United States of America in Japan who
has been duly authorized by his govern-
ment to enter into such Protocol,

Now, to the end that said claim
may be fully considered and finally
disposed of in accordance with equity
and justice, it is hereby agreed by the
Undersigned for and on behalf of their
respective governments that the said
claim shall be submitted for arbitration
and final decision to the judgment of
two persons, one to be named by each
of the undersigned, which two persons so
chosen are by this agreement authorized
if they cannot arrive at a conclusion
upon the question so submitted, to call
in a third person, whose decision in

the premises shall be binding and conclusive. And it is further agreed that the selection of said two referees shall be made within thirty (30) days of the date hereof, and that they shall within ninety (90) days from the date hereof enter upon the consideration of said claim as such arbitrators at Tokei. And in case either or both of said referees fail from any cause to undertake and prosecute said enquiry, it is agreed that another person may be chosen forthwith to act as arbitrator in the place of the absent referee by either of the Undersigned as the case may be. so that each government shall be represented by its choice in said arbitration.

And for the purpose of said enquiry by said arbitrators, it is agreed

that

the documents and official papers having any reference to said claim on file in the Japanese Office for Foreign Affairs and in the Legation of the United States of America in Japan shall be considered by said arbitrators as in evidence before them; and they shall decide the equity of said claim upon said papers aided by such printed or written arguments in the English language as may be submitted to them by the counsel for said Batchelder and by the counsel for the Japanese government. The papers so referred to the arbitrators are dated and entitled as follows:

1. Bill of sale to Favre Bourne and Co. 27th January, 1869.
2. Bill of sale of date May 17. 1869.

from Fabre Bourne & Co. to Batchelder.

3. Record of the sale and certificate thereof from the American Consul at Hakodate to Batchelder as a citizen of the United States.

4. Protest of Batchelder against the seizure of the "Fuho."

5. Letters of the United States Minister to the Japanese Minister for Foreign Affairs and following correspondence

6. Letter of the Japanese government surrendering the vessel.

7. Claim filed for damages C. E. D. Long's argument and Mr. Iwakura's statement to the Ministers of the Treaty Powers, January 15th 1869 that peace was established and asking the withdrawal of the proclamations of neutrality

by the Foreign Powers; and the notices given accordingly by the Foreign Representatives.

8. All other documents or papers on file in the Japanese Office for Foreign Affairs, and in the Legation of the United States bearing on the subject, including the several affidavits heretofore filed and submitted by said Batchelder in relation to said claim.

A specific list of the several documents and papers so to be submitted to the arbitrators as evidence is to be made out and agreed upon by the Undersigned contemporaneously with the signing of this Protocol.

In testimony whereof we have hereunto subscribed our names this 3d day of March 1876.

(Sgd.) Jno. A. Bingham
Env. Ext. and Minister Plen. of the U.S. of A.
" Terashima Munenori
H. I. J. M's Minister for Foreign Affairs.

No 788

Enclosure 2.

Copy.

Tokio, April 22, 1878.

His Excellency

John A. Bingham

U. S. Minister. Tokio.

Sir:

We the undersigned arbitrators in the matter of the claim of Joseph M. Batchelder against the Japanese Government for the seizure detention and loss of the Steamer "Peiho" having failed to arrive at a conclusion upon the question submitted to us have selected and named Captain von Eisendecker the

German Minister as Umpire and we beg to request that you will join H. I. J. M's Minister for Foreign Affairs in a note to Captain Von Eisendecker informing him of the selection and requesting his acceptance of the appointment.

We are Sir,

Your Obt. Servants.

(Signed) H. W. Denison.

" Sano Tsunetami.

No 188

Enclosure 3.

Copy.

Tokei Japan

23d April 1878.

Your Excellency.

The undersigned on behalf of their respective governments have the honor to acquaint you that in pursuance of a protocol entered into by His Imperial Japanese Majesty's Government and that of the United States of America for the submission to arbitration of a claim of J. M. Batchelder a citizen of the United States. as in said Protocol set forth. Your Excellency has been duly appointed Umpire

to finally decide said claims so submitted and by your award to determine the same under and in pursuance of said Protocol. – the Arbitrators heretofore chosen, to wit. Mr. Dennison and Mr. Sano having failed to agree upon an award have concurred in Your Excellency's appointment as Umpire in the premises.

The undersigned on behalf of their respective governments aforesaid request that Your Excellency will be pleased to accept said appointment and notify us thereof to the end that said matter in controversy may by Your Excellency's award be finally determined in pursuance of the terms and conditions of

said Protocol, a copy of which Protocol is herewith enclosed.

The undersigned beg leave to tender to Your Excellency the assurance of their high consideration.

(Signed) John A. Bingham.
Envoy Extraordinary and Minister Plenipotentiary of the United States of America in Japan.

(Signed) Terashima Munenori.
His Imperial Japanese Majesty's Minister for Foreign Affairs.

His Excellency.
C. Von Eisendecher.
German Minister.

No 788.

Enclosure 4.

Copy.

No 130. Kaiserlich Deutsche Mission
in Japan, Tokio April 25, 1878.

H.E. John A. Bingham,
E.E. & M.P. of the U.S. of A.
Y.C.

I have the honor to acknowledge the receipt of a letter dated the 23d inst. and signed by you jointly with the Japanese Minister for Foreign Affairs, in which I am informed that, in pursuance of a protocal entered into by H.I.J.M. Govt. and that of the U.S. of America, for the submission to arbitration of

a claim of J. M. Batchelder, a citizen of the U.S., as in said protocal set forth, I have been with the two arbitrators' conference, appointed Umpire to finally decide said claim and by my award to determine the same under and in pursuance of said protocal. Fully appreciating the confidence thus shown to me, I have the honor to acquaint you that I accept the appointment, provided I get my Government's authorization, for which I feel bound to ask. As I am on the point of leaving for Germany on an 8 months leave, I beg you will order conjointly with

H. I. J. M's Minister for Foreign
Affairs, to whom I address
a similar reply, that all
the papers and documents
relating to the said claim
are sent to me, in order
that I may take them with
me and give my decision in
Germany, after being author-
ized to accept the appointment
as Umpire. I shall not fail
if such authorization is given,
to forward to you and to
the Minister for Foreign Affairs
of Japan my decision in a
duly certified form. Should
my Govt. not grant permission
I would return the documents
by mail and notify Y.E. as well

as the Minister for Foreign Affairs of my inability to act as Umpire.

I beg leave to renew to Y.E. the assurance of my high consideration,

(Sgd.) C. von Eisendecher

W. Japan
Col. Morgan

U. S. Legation
Tokei, Japan May 1st 1878



The Hon. William M. Evarts
Secretary of State
Washington.

Sir:

I have the honor to enclose herewith my account for salary for the quarter ending April 1st 1878.

I am Sir.
Your obedient servant
David Thompson.
Interpreter.

Send a duplicate
J. M.

Action of Committee in response to Dr McCartee's telegram communicated to Mr Bingham June 26 inst. Refer to Mr Springer's letter of June 21. 1878.

Ack June 25. W Payson

Ans. Copy to the Committee for its information. Did so. June 15.

No 789.

DEPARTMENT OF STATE
JUN 13 1878
RECEIVED

United States Legation,
Japan,
Tokei, May 7th, 878.

Mr Bingham
to the
Hon. Secretary of State.

Subject.

Dr McCartee, Foreign Secretary of the Chinese Legation, is summoned by telegraph by the Sergeant at Arms of the House to appear before the House Committee, presumably as a witness. Dr McCartee telegraphs his inability to appear and his readiness to give testimony by deposition.

as Dr McClarlie would be obliged, if he obeyed the summons, to sacrifice his official position. Mr Bingham thinks the Committee of the House would deem his deposition a sufficient compliance with their summons, and, when the circumstances of the case are set before them, would refund to Dr McClarlie the cost of his telegraphic answer.

Enclosures.

1. Dr McClarlie to Mr Bingham, May 6/78
2. Mr Bingham to Dr McClarlie " 7 "

No 789.

United States Legation,
Japan,
Tokei, May 7th 1878.

Hon. William M. Evarts,
Secretary of State,
Washington D.C.

Sir,:

I have the honor to acquaint you that I am in receipt of a letter of date the 6th instant from Dr D. Bethune McCartee, the Foreign Secretary of the Chinese Legation in Japan, and a citizen of the United States, a copy of which letter is herewith.

1789

You will observe that this letter sets forth a copy of a despatch

received

received by Dr McCartee on the 5th instant purporting to have been sent by Mr Thompson, Sergeant-at-Arms of the House of Representatives of the United States, on the 4th instant, in which Dr McCartee is "summoned forthwith before the House Committee"; and that Dr McCartee at a cost of Sixty 34/100 dollars has telegraphed to the Seagaant-at-Arms his inability to leave the Chinese Legation at this Court and his readiness to give his deposition here if requested by the Committee.

I have replied to the note of Dr McCartee to the effect that I will advise the Department of the

the matter, and that I have no
doubt that the rights of himself
and of the Imperial Government
of China in the premises will be
2/789 duly respected, a copy of which
reply is herewith.
It is to be inferred from the
telegram sent hither that the
Committee desire Dr McCartee's
testimony on some question which
is under investigation, and if so,
I cannot doubt that the Committee
by sending out interrogatories
can obtain from Dr McCartee all
the information which he could
give if present at Washington.
It is also reasonable to suppose
that the House Committee had
not been advised that Dr Mc
Cartee.

Carlile is at present the Foreign Secretary of the Chinese Legation in Japan, of which fact I had the honor to inform you in my No 691 of the 17th of December last. No doubt Dr McCarlie in accepting service under the Chinese Government thought himself authorized so to do not only by our general laws but also by the 5th Article of the treaty amendment of 1868 between our Government and China. (United States Treaties page 167) To compel him to return to the United States at present would necessarily sever his relation to the Chinese Government,

and

and, in the words of his letter to me, "sacrifice his means "of support for himself and "family."

It seemed to me due alike to the Chinese Government and to our own that I should bring this matter to your attention to the end that, if you should deem it advisable, the Honorable Committee of the House of Representatives might be fully advised of the reasons which compel Dr McCartee to remain here at present and of his readiness to answer upon oath any and all interrogatories which the Committee may address and transmit to him here.

I

I beg leave to add that I doubt not the Committee if advised of the expense incurred by Dr McCarter, viz Sixty 54/100 dollars ($60 54) in responding by telegram to their summons, would through the Department refund the same.

I have the honor to be,

Sir,

Your obedient servant,

Wm A. Bingham

No 789.

Enclosure 1.

Copy.

His Imperial Chinese Majesty's Legation,
Tokio, Japan, 6th May, 1878.

H.E. the Hon John A. Bingham
E. E. & M. P. of the U.S. of America,

Sir:

I have the honor to inform Y.E. that at 40 minutes past eleven last night I received from the Japanese Imperial Telegraph Office the following telegram, purporting to have been "handed in at Washington 4th May," viz: "May 4th. To Dr Bethune MacCarter, Tokio, Japan. Summoned forthwith before House Committee. Fail not on peril. Thompson, Sergeant at Arms, House of Representatives."

Yé is aware of the position which I held as Foreign Secretary of the Chinese Legation and of the circumstances under which I accepted after the resignation of my commission as Interpreter had been accepted by Consul General Wells in November 1877; and you can readily understand how injurious it would be to the interests of that Legation to be deprived of my services just now, especially as the Chinese officials have calculated upon my assistance in establishing their Consulates in Japan, and as it would be difficult for them to procure a competent substitute. I am quite willing to do my duty as a citizen of the United States, and under the

circumstances it seems to me that my deposition in answer to all interrogatories which the Committee might send, would answer every purpose. The telegram says nothing of the travelling or other expenses, and I have already incurred an expenditure of 60 54/100 Mexican dollars in reply by telegram to the effect that it was impossible for me to leave the Chinese Legation, and that I would send a deposition if asked to do so. To comply with the summons would sacrifice my means of support for myself and family. Possibly Y.E. may have in your possession information from Washington on the subject

of the telegram which I have received. In any case I should feel under great obligations to H.E. for any instruction or advice which it may be in your power to give me as to the course which I should pursue in relation to this matter.

I have the honor to be

Very respectfully

Your obedient servant,

(Sgd.) D. Bill McCarthy,

Foreign Secretary to the

Chinese Legation.

No. 789.

Enclosure 2.

Copy.

No. 558. United States Legation,

Tokei, May 7, 1878.

Dr D. B. McCartee,

Foreign Secretary of the Chinese Legation,

Tokei.

Sir:

I have the honor to acknowledge the receipt of your letter of date the 6th instant, in which you make known the fact that you are in receipt of a telegram from Mr Thompson, Sergeant at Arms of the House of Representatives of the United States, whereby you are summoned to appear at once before the House Committee in Washington,

and that you have by telegraph replied that you cannot quit the Legation of China accredited to this Court and of which you are a member, but that you will answer all interrogatories here which the Honorable Committee of the House of Representatives may be pleased to transmit to you.

I will communicate the matter to our Government, and do not doubt due regard will be had by our Government in the premises to your own rights and the rights of the Imperial Government of China in whose service you are.

I have the honor to be, Sir,

Sir,

Your obedient servant,

Ack^d June 25

Ad 76

No 790. W Payson

United States Legation,
Japan,
Tokei, May 8th 1878.

DEPARTMENT OF STATE
JUN
13
1878
RECEIVED

Mr Bingham
to the
Hon. Secretary of State.

Subject.

Mr Bingham incloses a copy of a notification of a new Japanese domestic loan of 12,500,000 yen, which, it is rumored, can only be held by Japanese. He also incloses the comments of the Japan Times upon this step, wherein it is suggested that a foreign loan, to be expended under foreign

Consul would have been
wiser.

Enclosure
Notification. Extract from the
Japan Times, May 4, 1878.

No 790.

United States Legation,
Japan,
Tokei, May 8th, 1878.

Hon. William M. Evarts,
Secretary of State,
Washington, D.C.:

Sir:

I have the honor to inform you that a notification has been issued by His Excellency Sanjo Saneyoshi, the Prime Minister of His Imperial Japanese Majesty, setting forth a decree of this Empire for a loan of Twelve and a half million of yen (dollars) to be obtained by "subscriptions

" of

"of the people," to pay for public works and subsidies to national industries and to promote the foreign and domestic trade of Japan.

It is rumored that the bonds to be issued for this loan are not transferable to any but Japanese subjects.

The Japan Times of the 4th instant publishes the notification with comments, a copy of which comments, together with the notification, I have the honor to enclose. The editor is somewhat disappointed that the money was not raised by another foreign loan and ordered to be spent "under honest and intelligent

foreign

"foreign control". The meaning of which remarks I construe to be that the loan could have been obtained from England at a high rate of interest, provided the expenditure of it should have been placed under the intelligent control of English-men selected by England! As this course has not been taken the editor pronounces the step a "bold one" and expresses the wish that "success "may justify the Government's "courageous appeal to the "people".

I have the honor to be, Sir,

Your obedient servant,

Wm. A. Bingham

No 790.

Enclosure.

Extract from the Japan Times, May 4 1878.

THE following important Notification, issued on the 30th ultimo, reaches us too late for us to do more than give it publication and cursory notice:—

NOTIFICATION No. 7.

Notice is hereby given that a decree has been issued for the raising of a loan of Twelve millions-and-a-half of *yen* by subscriptions of the people, to pay for public works and subsidies to national industries within the Empire, thereby increasing native and foreign trade. The Minister of Finance has been ordered to execute this decree, and will publish further information shortly.

Tokio, 30th day 4th month, 10th year of Meiji,—(April 30th 1878.)

(Signed) SANJO SANETOSHI,
Daijo Daijin.

We await with curiosity the 'further information,' until receipt of which comment is almost idle. The step is a bold one: that the Government could have raised another foreign loan without much difficulty, we have little doubt; if the proceeds were to be devoted to such useful public works as construction of roads, restoration of rivers, afforestation, and improvements to harbours,—and if the money was to be spent under honest and intelligent foreign control—we should have no doubt as all, and could have assured cheap money. But an internal loan is a different matter. It is a test of the feelings of the people towards their rulers; and confidence in the existing Cabinet, loyalty to the present occupant of the throne cannot better be shown than by an immediate and overflowing subscription. We very cordially wish that success may justify the Government's courageous appeal to the people.

No 790.

Duplicate Enclosure.

Extract from the Japan Times, May 4/78.

THE following important Notification, issued on the 30th ultimo, reaches us too late for us to do more than give it publication and cursory notice :—

NOTIFICATION No. 7.

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Ack'd June 25.

Ask for.

No 791.



United States Legation,
Japan,
Tokei, May 8th, 1878.

Mr Bingham
to the
Hon. Secretary of State.

Subject

The Manchester Guardian, in an article republished in the Japan Weekly Mail, asserts that a "powerful protectionist "influence" is at work to induce the Japanese Government to favor protection in the revision of the tariff, and that the British Minister alone of the Foreign Representatives is opposed to this influence. The Guardian

says that the subject will be brought before the Cobden Club at its next meeting.

Enclosure.

Extract from the Japan Weekly Mail, May 4, 1878.

No 791.

United States Legation,
Japan,
Tokei, May 8th 1878.

Hon. William M. Evarts,
Secretary of State,
Washington D.C.

Sir:

For your information I enclose herewith an article which appeared in the Japan Weekly Mail of the 4th instant in relation to the anti-free trade policy which the writer says is likely to be adopted by the Japanese Government.

You will observe that the article of the editor concludes with a paragraph from the "Manchester Guardian

"Guardian", in which it is said that an important letter from Yokohama discloses that a "certain powerful protectionist "influence is at work in "Japan" and that "all the "European diplomatists at the "Japanese Court' except Sir Harry Parkes" rather en= "courage them discountenance "the Japanese Government "to adopt an anti-free-trade "policy", and that "Sir Harry "finds it rather difficult to "fight the battle single-handed".

The spirit of the Guardian's paragraph is what I have in my despatches declared to be the spirit, in

my

my opinion, of England's policy in Japan, that the foreign commerce of Japan should be dictated and regulated by England in her own interest to the hurt and impoverishment of the people and Government of Japan. That Sir Harry Parkes may not be left alone to fight the battle for England's control over the commercial interests of this country, the Guardian declares that the subject "will be brought under the consideration "of the Cobden Club at their next "meeting." This is another exhibition of the "co-operative" policy which English journalists insist I should observe, that

is

that is, follow the instructions of England's Minister and the Cobden Club and the English Press, and lend the influence of the Government of the United States to a scheme of oppression and plunder in Japan for the profit of Manchester and other manufacturing towns in England and to the injury, as I understand it, of the commercial interests of Japan and of our own country. Whatever may be said in justification of the commercial restrictions imposed upon this Government by the Convention of 1866, nothing can be said for the indefinite continuance

of

of those restrictions when it is considered that it was nominated in the bond that the tariff thereby established should be subject to revision on the 1st. July 1872. (Article 2 of Convention of 1866 Japanese treaties page 251.) This provision ought to silence this English clamor against revision of the tariff convention of 1866 and command a decent respect among the Treaty Powers for the right of this Government to regulate its commercial relations and for which it has humbly petitioned.

I have the honor to be, Sir,

Your obedient servant,

Wm. A. Burlingame

No 791.

Enclosure.

Extract from the Japan Weekly Mail, May 4/78.

In the London correspondence of the *Manchester Guardian* we find the following paragraph, showing plainly that the efforts of the protectionists, of whom a foreign journal edited at Tôkiô is the mouthpiece, do not pass unnoticed by the English press.

"I have seen an important letter from Yokohama stating that certain powerful protectionist influence is at work in Japan which seems likely to lead to the adoption of a strong anti-free trade policy by the Japanese Government. All the European diplomatists at the Japanese Court, except our own Minister Plenipotentiary and Consul General, Sir Harry Parkes, rather encourage than discountenance this tendency and Sir Harry finds it difficult to fight the battle single-handed. The subject will be brought under the consideration of the Committee of the Cobden Club at their next meeting."

No 791.

Duplicate Enclosure.

Extract from the Japan Weekly Mail, May 4 1878.

In the London correspondence of the *Manchester Guardian* we find the following paragraph, showing plainly that the efforts of the protectionists, of whom a foreign journal edited at Tôkiô is the mouthpiece, do not pass unnoticed by the English press.

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Ackd June 25.

No 792.



United States Legation,
Japan,
Tokei, May 9th 1878.

Mr Bingham
to the
Hon. Secretary of State.

Subject.

The Japan Herald, referring to the article from the Manchester Guardian enclosed in No 791, denies that any but the American Representative in Japan, of the Foreign Representatives, are in favor of the adoption of a protectionist policy by the Japanese Government. Mr Bingham calls attention to

the inconsistencies in the various statements of the Herald and other English newspapers on this subject. The question is whether Japan shall regulate her foreign and domestic Commerce according to her own will, or whether she shall continue to be fettered by the restrictions of the Convention of 1866. The early action of our Govt. as foreshadowed in Dept. Instructions will have great influence upon the action of other Powers.

Enclosure.

Extract from the Japan Daily Herald. May 7, 1878.

No 792.

United States Legation,
Japan,
Tokei, May 9, 1878.

Hon. William M. Evarts,
Secretary of State,
Washington D.C.

Sir:

On the 17th instant the Japan Herald takes occasion to say that the London correspondent of the Manchester Guardian "was "not well informed", referring to the article published from the Guardian in the Japan Weekly Mail and enclosed with my No 791.

It seems to me that the article

article of the Herald should go upon the record as a witness of the many sided views of the English editors and especially of the Herald upon the question of treaty revision; therefore I enclose the Herald's editorial of the 4th instant.

The editor flatly contradicts the statement of the Guardian by saying that "not one (of the "Foreign Representatives) with "the exception of the American "Minister, gives any unreserved "agreement to the protectionist "proclivities of the Japanese "Cabinet."

In addition to what I have heretofore communicated of the

the statements made to me by my
colleagues favoring the right of
Japan to such a revision of
the treaties as will give back
to this Government the power
to regulate its foreign and
domestic commerce and to
impose import duties upon
foreign imports, I beg leave to
say that but a few days
ago the French Minister ac-
credited to this Court said
to me that he had told Mr
Sameshima before he left for
France as the Envoy Extraordinary
and Minister Plenipotentiary
of His Imperial Japanese
Majesty to that country,
that he (Mr de Geofroy) was

7

of the opinion that the request of Japan for a revision of the tariff convention on the terms proposed by the circular instruction of this Government should be assented to, and that no nation could rightfully question the justice of the proposition, but added that this was his (Mr de Geofroy's) private opinion only and that he did not know what his Government might say to it.

I may be pardoned for a further remark that the Herald's statement does not well agree with the article which the same paper published in its issue of the 5th of April last on treaty

revision

revision from the Algemeine Zeitung, in which it was declared that "the American "Representative (in Japan) is "endeavoring to conclude a "reciprocity treaty with Japan "similar to that which is in "force with the Sandwich Islands ". . . . and that such a treaty "would throw all the foreign "trade of Japan into the "hands of the Americans". I had the honor to inclose this last named article, as published in the Herald of the 5th ultimo, in my No 779 of date the 18th of April last, and to which despatch, in this connection, I respectfully refer

refer you.

In the Herald's article here-
with it is to be noticed that
it is declared, apparently Ex
cathedra, that "England, France,
"Germany, Austria and Spain
"are fairly agreed in support
"of a policy of moderate duties,
"whilst Russia and Italy are
"indifferent". I am not aware
that any one favors a policy of
immoderate duties, nor is
that the question involved in
the pending proposition, as
you are fully advised. The
question is simply and only,
shall Japan, on the terms
proposed, be permitted to
regulate her own duties, or,

as

as heretofore, shall that power be with-held by retaining the existing treaty restrictions against the wishes of Japan. Allow me to repeat that the United States has much to gain and nothing to lose by accepting the pending proposition and thereby dictating to Europe a policy of commercial justice towards Japan and China, and that your prompt action in the premises, as foreshadowed in your Instructions to me, would set aside at once and forever, in my opinion, the assumption of the Powers named above as

"fairly

"fairly agreed" to dictate to Japan and America for all time to come the amount of duties which shall be laid by Japan upon European productions. It is my opinion that our action on the pending proposition of Japan would at present command and compel the acquiescence of the majority of the European States represented at this Court; and, that being accomplished, our Government would be free to make such further treaty revision with Japan as to this Government and our own might seem just and advantageous to each.

Our

Our commercial interest is
attended by me, as I am sure
it is by you, second to no
other national interest of the
United States.

I have the honor to be,
Sir,
Your obedient servant,
Jn: A. Bingham

No 792.

Enclosure.

Extract from the Japan Daily Herald. May 7, 1878.

It cannot be said that the London correspondent of the *Manchester Guardian* was well informed, when, on the strength of a letter from Yokohama, he wrote to that newspaper stating that "all the European diplomatists accredited to Japan, with the exception of the British Minister, rather encourage than discountenance the anti-free trade policy of the Japanese Government," for, with the exception of the American Minister, not one, we believe, gives any encouragement to the protectionist proclivities of the Japanese Cabinet. England, France, Germany, Austria, and Spain are fairly agreed in support of a policy of moderate duties, whilst Russia and Italy are indifferent, their trade to this country being infinitesimal. Whilst on this subject, that supposed to be remarkably astute, but nevertheless extremely shallow line of policy, of avoiding the discussion of the revision of the treaties with Ministers on the spot, by attempting negotiations at head-quarters, as was to be expected, is resulting in failure. The Japanese Government is learning, to its chagrin, that after all foreign Governments insist upon referring the affair to their respective representatives at this Court, who have some knowledge of the subject, and who have ample time to attend to it, for it would be absurd if for such a purpose as this they were to be passed over, and treated as practically non-existent. It is to be noted that the Japanese deem it ever to their interest to deal, if possible, with persons who do not know them, or the motives influencing them, rather than with those who do; the politeness of Japanese address and the plausibility of their arguments stand them in good stead on occasion; but those who have prolonged dealings with them learn to become more wary, and to act accordingly. Foreign governments have done wisely to relegate the subject to their agents here, and to be guided by their representations. If we are correctly informed, the Japanese government has "taken nothing by its motion."

No 792.

Duplicate Enclosure.

Extract from the Japan Daily Herald, May 7, 1878.

It cannot be said that the London correspondent of the *Manchester Guardian* was well informed, when, on the strength of a letter from Yokohama, he wrote to that newspaper stating that "all the European diplomatists accredited to Japan, with the exception of the British Minister, rather encourage than discountenance the anti-free trade policy of the Japanese Government," for, with the exception of the American Minister, not one, we believe, gives any encouragement to the protectionist proclivities of the Japanese Cabinet. England, France, Germany, Austria, and Spain are fairly agreed in support of a policy of moderate duties, whilst Russia and Italy are indifferent, their trade to this country being infinitesimal. Whilst on this subject, that supposed to be remarkably astute, but nevertheless extremely shallow line of policy, of avoiding the discussion of the revision of the treaties with Ministers on the spot, by attempting negotiations at head-quarters, as was to be expected, is resulting in failure. The Japanese Government is learning, to its chagrin, that after all foreign Governments insist upon referring the affair to their respective representatives at this Court, who have some knowledge of the subject, and who have ample time to attend to it, for it would be absurd if for such a purpose as this they were to be passed over, and treated as practically non-existent. It is to be noted that the Japanese deem it ever to their interest to deal, if possible, with persons who do not know them, or the motives influencing them, rather than with those who do; the politeness of Japanese address and the plausibility of their arguments stand them in good stead on occasion; but those who have prolonged dealings with them learn to become more wary, and to act accordingly. Foreign governments have done wisely to relegate the subject to their agents here, and to be guided by their representations. If we are correctly informed, the Japanese government has "taken nothing by its motion."

Ack'd June 25. Mr Payson

No 793.



United States Legation,
Japan,
Tokei, May 13, 1878.

Mr Bingham
to the
Hon. Secretary of State.

Subject.

Instructions Nos. 346, 347, 348 and 349, and report of the Monetary Commission received.

Ack^d June 25. Wr Payson

No 793.



United States Legation,
Japan,
Tokei, May 13, 1878.

Mr Bingham
to the
Hon. Secretary of State.

Subject.

Instructions Nos. 346, 347, 348 and 349, and report of the Monetary Commission received.

No 793.

United States Legation,
Japan,
Tokei, May 13, 1878.

Hon. William M. Evarts,
Secretary of State,
Washington D.C.

Sir:

I have the honor to acknowledge the receipt of Instructions numbered, respectively, 346, 347, 348 and 349, and also the receipt of Volume 1 of the Report and accompanying "documents of the United States "Monetary Commission organized "under the joint resolution of "August 15, 1876," for the Japanese Government.

I

I have the honor to be,

Sir.

Your obedient servant,

Wm. A. Bingham

Ack. June 25. W Bayard

No 794.



United States Legation,
Japan,
Tokei, May 15, 1878.

Mr Bingham
to the
Hon. Secretary of State.

Subject.

The visitation & search of the American merchant vessel "Courier" in the port of Nagasaki, about the 12th April last, by the British man-of-war "Audacious". Mr Bingham heard of this by rumor on the 22d of April and on the 23d April addressed Mr Maugum, U.S. Consul on the subject. On the 9th May he received Mr Maugum's reply, with enclosure, confirming the report and showing that the American merchant steamer "Courier"

had been visited by the "Audacious" in the port of Nagasaki about the 12th of April last. Mr Bingham brought the subject to the notice of the British Minister by note of the 10th May and declared the visitation and search to have been without color of right, and requested to be informed if the same had been done with the authority or sanction of the British Govt. In the absence of a reply to his enquiry Mr Bingham acquaints the Dept. of the transaction and expresses the opinion that it is unprecedented and a gross violation of England's treaty of 1862 with the United States of America.

Enclosures.

1. Mr Bingham to Mr Mangum, April 23/78.
2. Mr Mangum to Mr Bingham, May 2/78, with Enclosure.
3. Mr Bingham to Sir Harry Parkes, May 10/78.
4. Mr Denison to Mr Bingham May 15-178 " 14 "
5. Sir Harry Parkes to Mr Bingham " 15 "
6. Mr Bingham to Sir Harry Parkes

No 794.

United States Legation,
Japan,
Tokei, May 15 1878.

Hn. William M. Evarts,
Secretary of State,
Washington D.C.

Sir:

Having been informed by rumor on the 22d of April last that an officer in uniform, supposed to be of the English Navy, had recently boarded and challenged the nationality of an American merchant vessel in the port of Nagasaki, I forwarded by the first outgoing mail a dispatch, under date the 23d ultimo, to W. P. Maugum Esq, our Consul at

at that port, acquainting him of
the rumor and requesting that he
would enquire into the truth
thereof and fully advise me
1/ in the premises, a copy of which
1794 despatch I have the honor to enclose.
On the 9th instant I received
in reply to this despatch a
communication from Mr Mangum
enclosing an original affidavit of
Captain Samuel J. Clark, by which
it appears that about the 12th of
April 1878 the American merchant
vessel "Courier", owned by Thomas
Walsh, a citizen of the United States,
and commanded by said Clark,
being then in the port of Nagasaki
and bearing the flag of the
United States of America, was

boarded

visited by an officer in uniform
from Her Majesty's Flagship
"Audacious" &c., a copy of which
2/794 communication of Lieut Maugum, together
with the original affidavit of Captain
Clark, is herewith enclosed.
You will observe that neither
the affidavit of Captain Clark
nor the despatch of Lieut Maugum
states the nationality of the
"Audacious". I have seen the
vessel and know that the
"Audacious" referred to in
the affidavit is Her Britannic
Majesty's Flagship in the waters
of Japan. You will also notice
that Captain Clark states that
the visiting officer presented
the Admiral's compliments,

received

inquired for what port the
"Courier" was receiving cargo
and her destination, and on
being informed that her cargo
was flour, rice and coal
and her destination Vladivastoc,
the officer significantly remarked
that the vessel's name was printed
in Russian characters, though
"the steamer was flying the
"American flag," and concluded
his inquisition by inquiring
whether it was customary to
take coal to the port of Vlad-
ivastoc, and whether the vessel was American property!
One of the first inquiries, you
will notice, of this visiting officer
after presenting the Admiral's
compliments, was whether it
would

would be convenient for Captain
Clark to carry letters to any
port to which the "Lawrence" might
be bound where the visiting
officer had vessels. All that
follows this inquiry shows that
it was but a shallow device
to hide the insult which he
was about to offer to our flag
by his unlawful "visitation
and search", under cover
of the guns of the "Audacious"
and manifestly, by the direction
of the British Admiral Commanding,
of an American Merchant vessel in time
of peace and within the terri-
torial waters of Japan, where
by treaty with His Imperial
Japanese Majesty the Government

of the United States has the same absolute and exclusive control and jurisdiction over its merchant vessels as it has over its merchant vessels on the waters of the Potomac within the District of Columbia.

Not unmindful that England's assumed right of "visitation and search" of American vessels upon the high seas had been a matter of long and sore contention by battle and otherwise, and recalling the fact that Great Britain had officially declared through Lod Aberdeen to our Minister in London that "the right of search, except where specially conceded by treaty, is

"is purely a belligerent right", and believing with Mr Webster that (in the absence of an express treaty concession) "there is no right to "visit in time of peace except "in the execution of revenue laws "within a marine league (of the sovereignty's coast which asserts it) nor any such right of search upon the high seas, save where the "vessel is justly suspected of "violating the law of nations by "piratical aggressions", and knowing that Great Britain had confessed all this by the treaty of June 7, 1862, with our Government, (See Treaties of the United States, pages 388-89, Article 1) which provided that

only

only such of the naval ships of the two Powers as were "provided with special instructions "for that purpose" should visit the merchant vessels of either Nation, and that the reciprocal right of search of the United States and Great Britain should "not be exercised by a vessel "of war of either Contracting "party within the limits of "a settlement or port nor within "the territorial waters of the "other party". I deemed it my duty to protest against the proceeding of the "Audacious" as unprecedented and without "color of right", and accordingly on the 10th instant I addressed

a

a note to that effect to Sir Harry
S. Parkes, Her Britannic Majesty's
Envoy Extraordinary and Minister
Plenipotentiary to this Court,
3/1911 a copy of which note I have the
honor to enclose herewith.
I am not aware that the treaty
of 1862 has been determined
by notice, as provided in the
12th Article thereof, and if it
has not, it is conclusive of
the illegality of the action
taken at Nagasaki by Her
Britannic Majesty's officer;
and even if the treaty has
been terminated, as provided
in the 12th Article, the con-
fession of Great Britain as
therein recorded remains

that

that it is but just that her men of war shall not visit & search American merchant vessels in any port in time of peace.

As to the fact that the name of the vessel, "Bowuie", was printed in Russian characters and was specially noted by the British Naval officer on the occasion of this visitation and search, I may remark that if that is to be an apology for his action within these waters in time of peace, why may he not find equal apology for visiting and searching the American vessel "Tokio" because while bearing the American

flag

flag its name is purely Japanese? Whatever may be said of the impropriety of using Russian characters in the one case to designate the name of an American merchant vessel, may also be said of the impropriety of using a Japanese word in the other case to designate an American merchant vessel. It seems to me that the right of the United States of America to employ the symbols of any language known to nations in designating the name of American vessels cannot be justly questioned, and that the exercise of that right cannot furnish occasion for

visitation

visitation and search by a British man of war in time of peace within the ports of this Empire and in direct violation of the law of nations and the provisions of the Treaty of 1862 between the United States and Great Britain.

You will observe that in my note to Her Britannic Majesty's Minister I have especially requested that he will be pleased to inform me whether this visitation and search of the "Courier" had the authority or sanction of Her Britannic Majesty's Government. Inasmuch as his "Special instructions" for his

his action were exhibited by the Admiral Commanding the "Audacious" to the Commander of the "Convict", and as no certificate signed by the Admiral Commanding the "Audacious" was delivered to Captain Clarke showing that the only object of the visitation and search so made was to ascertain whether the vessel was an American slaver, as required by the 3d clause of the 1st Article of the Treaty, I assume that the Admiral had no such special instructions from Her Majesty's Government.

I have assumed in this paper

paper that the Treaty of 1862 remains in full force, and that, subject to its provisions, our Government maintains what it always maintained, that visitation and search are the same, that the one includes the other, and, in the words of Mr. Webster, "the United States
" . . . understands that public
"writers, Courts of law and
"solemn treaties have for
"centuries used the words
"'visit' and 'search' in the
"same sense". At all events it seems safe to conclude, in the words of Mr. Phillimore, (International Law, 1st volume page 354) that the subject of visitation and search has
"received

"received an adjustment by the Treaty
"of 7th of June 1862 between England
"and the United States."

I have also assumed that the Senate
resolution of 1858-59 declared what
was then and is now the position
of the United States upon this
question, to wit: "that American
"vessels upon the high seas in
"time of peace bearing the American
"flag remain under the jurisdiction
"of the country to which they belong,
"and therefore any visitation, mo-
"lestation or detention of such
"vessels by force or by the Exhi-
"bition of force on the part of
"a foreign Power is in derogation
"of the sovereignty of the United
"States". As I have said, by our

treaties

treaties with Japan our rights over our vessels are as absolute in Japanese waters as upon the high seas, save as to Japanese police regulations.

Since writing the foregoing I have received from H. W. Denison Esq. United States Vice Consul General, a note under date the 15th instant in relation to this visitation of the "Lowrie," in which he says that Captain Swain informed him that he had learned from Captain Clarke that a British Naval officer had visited the "Lowrie" and had inquired of the Commander "if the "Lowrie" "was taking coal to Vladivostock

for

"for the use of merchant steamers
"or men-of-war, and also if the
"'Leonnie' was going to take mu-
"nitions of war to Vladivostock,"
a copy of which note of the Denison
is herewith.

I have also received since the foregoing
was written the answer of Sir Harry
to my note of the 10th instant, a copy
of which answer of the British
Minister, under date the 14th instant,
I have the honor to enclose together
with a copy of my reply thereto of
date the 15th instant, in which
reply you will observe that I
renew the enquiry of my note of
the 10th instant, "whether the proceeding
"of the 'Audacious' was not without
"the authority or sanction of Her

Britannic

"Britannic Majesty's Government",
and that I also said therein to the
British Minister that the same
enquiry, as made by me in my
despatch of the 10th instant "im-
"plied and was intended to imply"
that I "hoped His Excellency
"would feel at liberty to say
"that the proceeding was without the
"authority or sanction of Her Bri-
"tannic Majesty's Government".
On the 16th instant Sir Harry
by note of that date finally
replied to my enquiry by saying
that "I (he) did not reply to your
"(my) first enquiry whether the
"'Leinster' had been visited with
"the sanction and authority
"of Her Britannic Majesty's Gov-
ernment

"ernment because I (he) thought
"that you (I) would have perceived
"when I (he) observed in my
"(his) letter of the 14th instant
"that I (he) knew nothing more
"of the case than what was
"stated in your (my) despatch
"of the 10th instant, that it was
"obviously impossible for me
"(him) to answer such an
"enquiry. I (he) still remain
"in the same position, but al=
"though it does not appear to
"me (him) in the least likely
"that the 'Louvine' was visited
"with the sanction or authority of
"Her Britannic Majesty's Government.
"I (he) shall seek information on
"this point from the Commander-in-

Chief

"Chief, to whom I (he) shall transmit
" this correspondence, and on receipt
" of his reply I (he) shall be prepared
" to address you (me) again on this
" subject."

Of this somewhat evasive reply of the British Minister I beg leave to observe that I do not perceive that it was "obviously impossible" for Sir Harry to have learned before the 16th by telegraph whether the British Admiral had received authority from his Government to visit the "Courier" in the port of Nagasaki and there challenge her nationality, destination and cargo. It is some satisfaction to know that Sir

Harry

Harry will enquire into this, the only important question in the case, of the Commander-in-Chief, and, upon learning whether the visitation was by the authority of his Government, that he will be prepared to make further answer to me.

Of course as the "Courier" was not detained by the "Audacious" and no damage resulted thereto from this visitation and inquisition the transaction only demands attention lest like visitations of American merchantmen may be made in these waters by British war vessels, and, possibly, with graver results. To prevent such visitations hereafter of our

of

of our merchant vessels under like circumstances and especially to prevent such visitations by British war vessels in the absence of written authority from the British Government, as required, in my opinion by the Treaty of 1862, which I suppose to be in force, I deemed it needful to make the enquiry which I did of the British Minister.

I respectfully submit my action in the premises to your consideration, and beg leave to express the hope that it may meet your approval.

I conclude this despatch on the 17th though it was chiefly written on the 14th and 15th instant.

I have the honor to be, Sir, Your obt. servant

Wm. H. Bingham

No 794.

Enclosure 1.

Copy.

No 552.

United States Legation,
Tokei, April 23, 1878.

Willis P. Maugum Esq
U.S. Consul. Nagasaki,

Sir:

I was yesterday informed that recently an American vessel in the port of Nagasaki had been visited by some foreign official, supposed to be an English official, and that various demands were made of the American officer in command as to cargo, destination &c. I have to request that you will enquire into the truth of this rumor and

fully advise me in the premises.

I am, Sir,

Your obedient servant,

(Sgd.) Jno. A. Bingham

No 794.

Enclosure 2.

Copy.

No 29. United States Consulate,

Nagasaki, May 2, 1878.

To H.E. Hon John A. Bingham,

U.S. Envoy Ex. & Minister Plen

Tokio,

Sir:

I have the honor to acknowledge the receipt of your despatch No 55 of the 23d ultimo, stating that you have been informed that recently an American vessel in the port of Nagasaki had been visited by some foreign official supposed to be an English official and that various demands were made of

the American officer in Command as to cargo, destination &c., requesting me to enquire into this rumour and to fully acquaint you in the premises.

In reply I have the honor to state that the American vessel referred to is the Steamer "Courier" belonging to Mr Thomas Walsh of Yokohama and commanded by Captain Samuel J. Clarke. She has just returned today to Nagasaki from a voyage to Vladivostock. I immediately made enquiries of Captain Clarke on his arrival regarding the matter referred to and send you herewith enclosed his affidavit stating the circumstances in detail.

I am, Sir,

Your obedient servant,

(Sgd.) Willis P. Mangum,

U.S. Consul.

James H. Carle being duly sworn deposes and says that on or about Apro. 12th while loading at the port of Nagasaki the steamer "Corrier" under my command was visited by an officer, in uniform, from Her Majesty's flagship "Audacious" Presenting the Admirals compliments he enquired for what port she was loading, enquiring at the same time that in consequence of irregular mail communication with various ports it would be convenient to him in that particular should she be bound for any port then he had vessels with which he might to communicate. Upon informing him that the steamers destination was Vladivostock he enquired as to the nature of her cargo which consisted of flour, rice and coal, also as to whether it was customary to take coal to that port. He spoke of the steamer flying the American flag while her name was on the stern in Russian characters adding at the same time if she was American property being answered in the affirmative he took his leave not however before being assured that any duties he might see fit to send on board would receive prompt attention. Signed in duplicate

James H. Carle

Sworn to and subscribed before me at the United States' Consulate, Nagasaki this 2nd day of May 1878.

Willie P. Mangum
U.S. Consul.



No 794.

Enclosure 3.

Copy.

No 560.

United States Legation,
Tokei, May 10, 1878.

Sir Harry S. Parkes,
H. B. M. Envoy Ex. & Minister
Plen. to Japan &c &c &c.

Sir:

On yesterday I received from W. P. Mengenin Esq. U.S. Consul at Nagasaki, authentic information that about the 12th of April last Her Britannic Majesty's flagship "Audacious" being then within the port of Nagasaki, one of H. B. M. Naval officers, apparently by direction

of the British Admiral then present and commanding the "Audacious", boarded the "Courier", an American merchantman then in that port and bearing the flag of the United States and challenged the nationality of the "Courier", and demanded to be informed of her cargo and destination.

This transaction on the part of Her Majesty's officials is, so far as I am advised, unprecedented, and, in my opinion, without color of right; therefore I beg leave to enquire of H.E. whether this "visitation and search" of the "Courier" was not without the sanction or authority

of Her Britannic Majesty's Gov-
ernment.

Accept the assurance
of my high consideration,

(Sgd.) Jno. A. Bingham

No 794

Enclosure No 4.

Copy

Tokio, Japan,
May 15th 1878.

Hon. John A. Bingham,
U. S. Minister,
Tokio, Japan.

Sir:

In accordance with your request I beg to state in writing my remembrance of the verbal conversation that took place about ten days ago between Capt. Swain of the S. S. "Hiroshima Maru" and myself concerning the visitation of the S. S. "Courier" by a British Naval officer belonging to H. B.

H.M.S. "Audacious."

As I remember Capt. Swain said that Capt. Clarke told him that the Naval officer asked him (Capt. Clarke) if the "Courier" was taking coal to Vladivostock for the use of Merchant Steamers or men of war, and also if the "Courier" was going to take munitions of war to Vladivostock.

I am, Sir,

Your obedient servant

H. W. Denison.

No 794.

Enclosure No 5.

Copy

Her Britannic Majesty's Legation

Yedo May 14th 1868

Sir:

I have the honor to acknowledge the receipt of your dispatch dated the 10th instant in which you inform me that Mr. Mangum the United States Consul at Nagasaki has reported to you that "about the 12th April last" a British Naval officer acting

His Excellency

Hon. J. A. Bingham

Envoy Extraordinary & Minister

Plenipotentiary of the United States.

acting apparently by direction of the British Admiral had boarded the "Courier" an American merchantman then in that Port and had "challenged her "nationality and demanded to be "informed of her cargo and destination"

You observe that "this transaction on the part of her Majesty's Naval Officials is", so far as you are advised "unprecedented, and in your opinion "without color of right", and you therefore enquire whether this proceeding, which you designate a "visitation and search" "was not "without the authority or sanction "of Her Britannic Majesty's Government

I should mention that owing to a short absence from town I did not receive your Despatch which

was delivered at this Legation in the afternoon of the 11th instant (Saturday) until my return last night. I hasten to assure you of my readiness to give the subject my earliest attention, but in order to do this with effect it will I think occur to you that it is necessary that I should be furnished with fuller particulars as to what was really said or done by the British officer who as you are informed went on board the "Courier."

At present I know nothing more of the case than what is stated in your Despatch. But Mr. Marquis will probably have furnished you with the evidence of the Master or other reliable person belonging to the vessel who witnessed the

occurrence

occurrence. It is, I believe, a common practice for foreign men-of-war in these waters to visit merchantmen for ordinary purposes, and I shall hope to hear that the unpleasant construction put upon this visit to the "Courier," is the result of some misunderstanding.

I have the honor to be, Sir,
Your Excellency's most obedient
humble servant,
(Signed) Harry S. Parkes.

No 794.

Enclosure No 6.

Copy.

No 563.

United States Legation,

Tokei, May 15, 1878.

Sir Harry S. Parkes,

K.C.B. &c. &c. &c. Her Majs. Plen. &c &c

Sir:

I have the honor to acknowledge the receipt of your despatch of date the 14th inst. in which referring to my despatch to you of the 10th inst. you are pleased to say that I therein informed you that Mr. Mangum the U.S. Consul at Nagasaki has reported to you (me) that about the 12th April last

a British Naval officer apparently by direction of the British Admiral had boarded the "Courier" an American Merchant-man then in that port and had challenged her nationality and demanded to be informed of her cargo and ... "destination," and that "this transaction on the part of Her Britannic Majesty's Naval officials is so far as you (I) are advised unprecedented and in your (my) opinion without color of right. and you (I) therefore enquire whether this proceeding which you (I) designate a 'visitation and search' was not without the authority or sanction of Her Britannic Majesty's Government"

You will please observe that in my despatch to you I stated that I had received from Mr. Mangum authentic information as therein set forth. Your request to be provided with "further particulars as to what was really said or done by the British officer" who went on board the "Courier" What was really said and done by the British officer who went on board the "Courier" is stated in the affidavit of the Captain, Samuel J. Clarke. In his affidavit Captain Clarke says that on or about the 12th of April while loading at the port of Nagasaki, the Steamer Courier under his command was visited

by an officer in uniform from Her Majesty's flag ship Audacious, who presenting the Admiral's compliments enquired for which port she was loading remarking that in consequence of irregular mail communication with various ports it would be convenient to him in that particular should she be bound for any port where he had vessels with which he had to communicate. and upon being informed that the Steamer's destination was Vladivostock, the officer enquired as to "the nature of her cargo" "which consisted of flour, rice and coal." - and, that the officer also enquired whether it was

customary to take coal to that port" and "spoke of the Steamer flying the american flag while her name was on the stern in Russian characters; asking at the same time, if she was american property and being answered in the affirmative took his leave.

The foregoing constitutes the particulars at communicated to me of what was said and done by the British officer who visited the "Courier"

Being of opinion that this visitation of the "Courier" in the port of Nagasaki by Her Britannic Majesty's vessel of war "audacious" and the inquisition then

and there made under cover of its guns by the officer of the "Audacious" into the nationality. cargo and destination of the ... "Courier", was an unprecedented proceeding and without color of right. I therefore enquired of you in my despatch of the 10th inst. whether the proceeding was not without the authority and sanction of Her British Majesty's Government. My enquiry implied and was intended to imply that I hoped you would feel at liberty to say that the proceeding was without the authority or sanction of Her ... Britannic Majesty's Government In reply to your remark that

it is a common practice for foreign men-of-war in these waters to visit merchantmen for ordinary purposes; I beg leave to say that I am not advised that it is a common practice for foreign men-of-war in time of peace, to visit in these waters American merchant vessels bearing the American flag and demand to know the nationality, cargo and destination of the visited vessel and also to question the propriety of taking certain cargo to the port of her destination and to even question the propriety of the characters in which the name of the vessel is printed!

Allow me to renew my

enquiry whether this proceeding was not without the authority or sanction of Her Majesty's Government and to add that it is made in an unfriendly spirit, but be came it seems to me that the visitation of the "Courier" by the "Audacious" in the light of what was "said and done" by the visiting officer on that occasion, necessarily implied, that the "Audacious" then and there claimed and asserted the right to visit the American Merchant vessel "Courier" and to investigate and determine her nationality, destination and cargo, when the "Courier" was in the port of Nagasaki, and covered by the American flag. I have the honor to be,

Your Excellency's obedient servant.

(Sig'd) Jno. A. Bingham.

Ack^d June 25.

Mr Payson

No 795.

Mr Burdan



United States Legation,

Japan,

Tokei, May 15, 1878.

Mr Bingham

to the

Hon. Secretary of State.

Subject.

Dunn vs. the Petroleum Mining and Manufacturing Company (Japanese)

The defendants giving notice of appeal from the Tokio Saibansho to the Goto Saibansho against the judgment in Dunn's favor rendered by the Goto Saibansho, confirmed by the Daishinin, and sent to the Tokio Saibansho for execution only,

Mr Bingham in a despatch to Mr Terashima protests against these vexatious delays and denials of justice and, in accordance with Dept. Instruction 331, requests the speedy execution of the judgment. He encloses to the Dept. his several recent despatches to the Foreign Office on this subject, and recommends that he be specially instructed to peremptorily demand payment of the judgment or indemnity from the Japanese Govt.

Enclosures.

1 Mr Van Buren to Mr Denn, May 6/78

2. Notice of appeal.

3. Mr Bingham to Mr Terashima Feby. 24/78.

4. " " " " " April 16 "

5. " " " " " " 26 "

6 " " " " " May 11 "

No 795.

United States Legation,
Japan,
Tokei, May 15, 1878.

Hon. William M. Evarts,
Secretary of State,
Washington, D.C.

Sir:

On the 7th instant I received a despatch addressed by Thomas B. Van Buren Esq, United States Consul General at Kanagawa, to Ambrose C. Dunn, acquainting him that the Consul General had been notified that the defendants in the action of himself against the Japanese Petroleum Mining and Manufacturing Company had taken an appeal to the

the Joto Saibansho (the Superior Court of Japan) and enclosing a copy of the appellant's petition for appeal, copies of which despatch and its enclosures, translated, I have the honor to enclose.

102/795

You will observe that the petition enclosed prays for an appeal from the Tokio Saibansho to the Joto Saibansho from the judgment of the latter court rendered on the 30th of October 1875, in favor of Mr Dunn against said Company, and on appeal by the said Company to the Daishin-in (the Supreme Court of this Empire) affirmed on the 27th of December 1876, as stated in my No 653 of the 26th

of

of October last, and which judgment the Tokio Saibansho (the Court of original jurisdiction to which said judgment was remanded for execution in December 1876) has for sixteen months refused and neglected to enforce as required by the laws of this Empire and the Treaty of 1858 between the United States and Japan.

In pursuance of Instruction No 331 of date the 17th of December last I have, in my Nos. 649, 682, 693 and 702 addressed to His Excellency Mr Terashima, His Imperial Japanese Majesty's Minister for Foreign Affairs, (Copies of which are herewith enclosed) urged upon the Foreign Minister the collection

of

of this judgment without further delay; and in my No 649, of date the 14th of February last, to the Foreign Minister, you will notice by the enclosed copy thereof that I expressly referred to your Instruction 331, and informed His Excellency that under that Instruction it was my duty to insist upon the enforcement and collection of Mr Dunn's judgment without delay and to acquaint His Excellency that if there should be further needless delay in the collection of the moneys so adjudged to be paid to Mr Dunn, our Government would look to His Majesty's Government for full indemnity

indemnity in the premises.
Having received no reply from
the Foreign Office to my Nos.
649, 682 and 693, and having
received said notification of
appeal, I addressed to His
Excellency Mr Terashima on
the 11th instant my No 702, —
a copy of which is herewith,
setting out all the material
facts in the matter and urging
immediate action by His
Excellency's Government, to which
latter despatch no reply has
been received and to which I
respectfully refer you for a
full expression of my opinion
of the neglect of this Government
in the premises and also of the

unwarranted

unwarranted sham now resorted to, of appeal to the Supreme Court to reverse not only its own judgment, but that also of the Supreme Court more than two and a half years after its judgment was rendered and more than sixteen months after the same had been affirmed on appeal by the Supreme Court, when by the Japanese rules of procedure no appeal will lie unless petitioned for within ninety days after judgment.

I beg leave to suggest, in view of this gross denial of justice by His Majesty's Courts that

if the views which I have expressed herein and in my No 702 to Mr Terashima meet your concurrence, that you authorize me by Special Instruction to peremptorily demand of this Government the enforcement of the judgment without delay, or, in default thereof, the payment by this Government without delay of the amount thereof with interest and costs out of moneys of the defendants subject, as I have shown in my No 702 herewith, to the Control of this Government and annually payable to said defendants by way of pensions &c.

I would also suggest whether

2.

I should not be authorized to read your Instruction to His Excellency Mr Terashima and also to furnish him with a copy thereof if requested.

I have the honor to be,

Sir,

Your obedient servant,

Wm A. Kingland

No 795.

Enclosure 1.

Copy.

No 3212. U.S. Consulate General,

Kanagawa (Yokohama) Japan,

May 6, 1878.

A. B. Dunn Esq

Tokio, Japan.

Sir:

I am notified by the Goto-Saibansho that the defendants in your cause vs the Oil Company have appealed. I enclose herewith copy of the appellants petition in appeal.

I am, Sir,

Your obedient servant.

(Sgd.) Thos B. Van Buren,

U.S. Consul General.

No 795.

Enclosure 2.

Copy.

No 379.

4th 5th Month 11th year of Meiji.

Appeal against claim for salary and other expenses made by Shimamoto Chuds, Attorney for plaintiff Kajyo Doks.

Kajyo Doks, a noble residing at No 9 Ichome Nishiki cho, Kanda, a shareholder in the Petroleum Company.

Shimamoto Chuds, a shizoku of Kochi Ken, residing at No 20, Ichibancho, Sanchome.

Shimamoto Chuds, attorney for the plaintiff, gives the following reasons for his appeal against

the foregoing decisions regarding the payment of the claim for salary made by Mr Dunn, American citizen, against the Petroleum Company.

II The purport of the decision rendered by the Honorable Court respecting this matter in the 10th month of the 8th year of Meiji (October 1875) was that the salary should be paid to Mr Dunn by the Petroleum Company. But when this judgment comes to be executed, to require, contrary to the decision first rendered, that it shall be paid out of the private property of the shareholders is regarded by us as an unreasonable decision.

III In the decision rendered in

the Tokio Saibensho against the Petroleum Company the 2d of 3d month of the 11th year of Meiji (March 2 1878) it is stated that the debt is one for which the company is responsible; but in the decision rendered the 16th of the same month, it is stated that according to the 17th article of the contract dated July 22. 1873, payment is to be made by the shareholders of the Company individually. These two decisions are regarded by us as contradictory. We think, if this is a debt due from the Company, it is unreasonable to require it to be paid out of the private property of the shareholders of the Company.

IIIIe The shareholders did not assent

to the contract entered into by Mr Dunn and Mr Ishizaka Shugo, a department of Tetsutaro of Shizuoka Ken in the 7th month of the 6th year of Meiji (July 1873) Further, in the 17th article of said contract are these words:— "Since it must "affect each one in the Company, "viz: the Japanese Petroleum Manu- "facturing Company" — but it is not clearly stated that it shall be paid out of the private property of the shareholders of the Company. Hence the meaning of the 17th article is that when the profits of the Company fail to suffice for payment, payment shall be made from the share money only. But even if this is not the case

authority was never given by the shareholders to Ishizaka Shugo to make the 17th Article of said contract, and the plaintiff has furnished no evidence that he so understood it. Hence we regard said 17th article as invalid.

For the reasons mentioned above we cannot accept the decision rendered in the Toki's Saibanshs to the effect that said salary &c. be paid to Dunn by the shareholders, therefore we make this appeal, and request your investigation and reasonable decision.

(Sgd.) Shimamoto Chuds.

To the Toto Saibanshs

No 795

Enclosure No 3.

Copy.

648

U. S. Legation

Tokei, Japan. Feb. 14th 1878.

H. E. Terashima Munenori

&c. &c. &c.

Sir:

In the matter of the judgment rendered more than two years ago by the Goto Saibansho in favor of A. C. Dunn an American citizen against the Japanese Petroleum Oil Company and affirmed in the Daishimin or Supreme Court of His Majesty, as I had the honor to acquaint Y. E. in my No. 468 of date March 21 1877, and to which

communication I would respectfully refer you, I beg leave to enquire what process if any, has been issued by the Tokio Saibansho to enforce the judgment so rendered by the Courts of last resort in H. M's Empire against the several defendants in said suit, to wit: the members of the said Petroleum Oil Company. Under special Instruction of my Govt. in the premises, it becomes my duty to insist upon the due and full enforcement without further delay of the final judgment so rendered by H. E's Courts in favor of Mr. Dunn, and against said several defendants, and to acquaint H. E. that if there be further unnecessary delay to enforce the collection of the money so finally adjudged against said defendants

my Government will look to H.B.M.
Majesty's Govt. in the interest of Mr.
Dunn, a citizen of the United States
of America, for indemnity to the amount
at least of the said judgement and
interest and the reimbursement of
all Mr. Dunn's expenses caused by
the delay.

I beg leave to request an early
reply to this communication and to
tender to Y. E. the assurance of my high
consideration

(Signed) John A. Bingham.

No 795.

Enclosure No. 4

Copy

682.

U. S. Legation,
Tokei, April 16. 1878.

H. E. Terashima Munenori
H. I. J. M's Minister for Foreign Affairs.

Sir:

On Yesterday I received from Mr. A. C. Dunn a communication from the Tokio Saibansho in relation to the judgment rendered in favor of said Dunn against the Japanese Petroleum Mining and Manufacturing Company which communication was addressed by said Court to Mr. Deanson the American Vice Consul General, under date the

11th inst. To my astonishment the Tokio Saibansho says that the case of Mer. Dunn has been heard on the 16th and 28th of March 1878, and that the defendants being dissatisfied with both decisions have notified their intention to appeal. Can it be posible that the Tokio Saibansho after denying to Mer. Dunn proces for his witnesses when this suit was first instituted in the Court in 1874 and dismissing the action, after appeal by Mer. Dunn to the goto Saibansho and judgment therein for his salary &c, after said judgment was affirmed in 1876 by the Daishinin and remanded to the Tokio Saibansho for execution, has retried the case and given two decisions therein from which the Company is to appeal! It must occur to H. E. that if the Court of first resort

(Tokio Saibansho) is to make new decisions and render new and ex parte judgments, from which appeals are to be taken after the Courts of last resort have rendered final judgment and ordered the execution thereof.) there never will be an end of the matter, the judgment of His Majesty's Superior and Supreme Courts will be treated as a nullity, and this by the action of the Inferior Court which had no office or duty in the premises after final judgment in the Superior and Supreme Courts but to execute and enforce the final judgment so rendered in favor of Mr. Dunn as Y. E's despatch to me of date the 8th of March 1876 most clearly shows. I beg leave also to call Y. E's. attention to my No. 649 of date the 14th of Feby. last, in which I acquainted Y. E. that I was instructed by my Govt. to notify Y. E. that if there

be further delay in the collection of this judgment my Govt. would demand indemnity of H. M's Government to the extent at least of the full amount of the final judgment and also for all expenses incurred by Mr. Dunn by reason of such delay. Having received no reply from Y. E. to this despatch, though an early reply thereto was respectfully requested, on the 9th and 14th of March last I called upon Y. E. in relation thereto, on which occasion, with my Interpreter, Mr. Thompson, present, I fully conferred with Y. E. in relation to the individual obligations of the several members of said Company by the express terms of their contract to pay said judgment and which contract the defendants confessed in the Supreme Court, as the record

transmitted to me by G. E. Shows. and by the judgment of the Superior Court, which was affirmed by the Supreme Court, the said contract was declared to be in full force and obligatory and thereupon the defendants were by said final decision and ruling of the Superior and Supreme Courts adjudged to pay to the plaintiff Dunn $833.33⅓ per month to the date of the judgment, to wit,: the 30th of October 1875; with interest thereon at 6 per cent and also $15.00 expenses with interest and costs of suit. There was a further judgment in the Superior Court for house rent which Mr. Dunn released in the Supreme Court as I have heretofore informed G. E. This judgment as affirmed by the Supreme Court is capable on the record of being rendered absolutely certain as to the amount thereof, and the same remains in full

force and unsatisfied. In Y. E.'s interview
with me above referred to Y. E. assured
me that the judgment would be speedily
collected either from the Company or from
the individual property of the stock holders,
who, Y. E. admitted were abundantly able
to pay. On the 28th of March last the Tokio
Saibansho sent a communication to Mr.
Dunn in which that Court stated that the
obligations of the said Company require
that the claim so adjudged to Mr. Dunn
"shall be paid to Mr. Dunn directly
by the shareholders individually".
This statement but follows the judgment
of the Superior and Supreme Courts and
the express words of the contract.
I now respectfully protest against
further delay and ask the enforce=
ment of the final judgment. I am

of the Superior Court as required by the provisions of the Treaty of 1858 between H. E.s Govt. and the United States of America. I cannot doubt that H. E. will see that no such injustice shall be done to the rights of my Govt. and its citizens as is now proposed by the defendants in this suit, to wit; to appeal from the judgment of the Goto Saibansho to the same Court that rendered said judgment against them more than two years ago, and more than fifteen months after the same judgment was affirmed in the Supreme Court, to wit: 27th of December 1876. and which judgment duly certified was remanded for execution at that time to the Superior Court, the Tokio Saibansho.

As I desire to acquaint my Govt. of this proposed delay I trust Y. E. will favor me with an early reply to this communication and also to my despatch No 649 of date the 14th of February last.

Accept, I pray Y. E. the assurance of my high consideration

(Signed) Jno A. Bingham.

No 795.

Enclosure No. 5.

Copy

693.

U. S. Legation

Yokei April 20th 1878.

H. E. Terashima Munenori,

&c. &c. &c.

Sir:

I beg leave to especially ask Y. E's attention to my despatchs No's 649 and 682 of date respectively the 14th Feby last and the 16th inst which I had the honor to address to Y. E. in relation to the gross neglect of H. I. J. M's Court, the Tokio Saibansho to enforce by execution the payment of the just claim of Mr. A. C. Dunn a citizen of the U. S. against the members of the Japanese Petroleum Mining &

Manufacturing Company as said Court was commanded to do by the Daishinin or Supreme Court of H. I. Majesty which finally adjudged said claim as just and that the same should be paid by said defendants.

The claim of said Dunn for salary under his contract with said Company adjudged to be paid to him by said Supreme Court amounts, with the interest thereon at the rate of 6 per cent per annum to this date to the sum of $20,172 2/3 Japanese yen.

As I have received no reply to my said two despatches written under the special Instruction of my Govt., and as the neglect & refusal of the Tokio Saibansho to enforce the said judgment of which I complained still continue, I again respectfully request that

the treaty obligations of H. I. J. M's Govt. in this behalf may be enforced, to the end that without delay Mr. Dunn may recover as the treaties of Japan with the U. S. enjoins his "just claim", so adjudged to him from the defendants in said judgment who have property in this city, as the Tokio Saibansho will know, more than sufficient to satisfy said judgment, and who have annuities from H. M's Treasury to the amount of several hundred thousand dollars per annum as I understood G. E. to admit.

I would greatly regret any further delay to enforce the treaty rights of my Govt. and its citizens in this matter as such delay will make it my duty to notify my Govt. thereof at once and to demand of H. I. J. M's Govt. indemnity to at least the amount of the judgment

and interest thereon and also the expenses occasioned by the delay to Mr. Dunn, which expenses are already very considerable.

Hoping to receive an early and definite reply to my request herein made and also to my despatches Nos. 679 and 682,

I have the honor to be

Sir,

Your obedient servant

(Signed) Jno. A. Bingham.

No 795.

Enclosure No 6.

Copy.

No 702. United States Legation,

Tokei, May 11, 1878.

H.E. Terashima Munenori,

H.I.J.M's. Minister for Foreign Affairs,

Sir:

Four years ago Ambrose C. Dunn, a citizen of the U.S., instituted a civil action in the Tokio Saibansho against the Japanese Petroleum Mining and Manufacturing Company for breach of a written contract entered into by said Company with said Dunn on the 22d of July 1873, by which contract it was agreed, among other

things, by and between said Company and said Denn, that said Denn should serve said Company for three years as Chief Engineer in mining and manufacturing mineral oil, for which he should receive compensation at the rate of 10000 yen per annum in Japanese coin, to be paid monthly by said Company to said Denn at the rate of 833⅓ yen; and it was also further required in and by said Contract, Section 13, that "neither the mins, nor any lease "thereof, nor their products, nor the "Company's machinery, nor any other "things connected with the working "thereof should be responsible for "said Denn's wages"; and the 17th

section of said contract it was further agreed by said company that the provisions of section 13 of said agreement should "not be construed as releasing the Japanese Petroleum Mining and Manufacturing Company or its individual members from their personal responsibility for the payment of the said Dunn's salary". Under this contract Mr Dunn served said Company as engineer from the 1st of Sept. 1873 to the last of Feby. 1874, and received his monthly pay for his said service during that period at the rate of $33⅓ yen per month, at the end of which period said Company without right dismissed said Dunn from its service

and refused further to employ or pay him as agreed by said Contract wherefore he instituted his said suit in the Tokio Saibanshō in March 874. Said Company wrongfully refused to said Dunn, when requested, process for certain witnesses, and wrongfully and unjustly dismissed his said action and denied to said Dunn the redress to which he was rightfully entitled under his said Contract. From this judgment of the Tokio Saibanshō said Dunn appealed to the Jōtō Saibanshō (or Supreme Court,) in which Appellate Court the said Company and all its members appeared and were named of record, and by their pleas expressly admitted,

at the record furnished me by Y&E. shows that "they (the members of "said Company) entered into said "agreement with the plaintiff on "the 22d July 1873 and employed him "in the oil mining service", but the Company by way of defence to the action avowed.

1. That said Dunn was incompetent.

2. That said Dunn disobeyed orders and thereby violated the agreement.

The Jots Saibaushs heard the appeal upon the issue thus made up and on the 30th of October 1875 rendered judgment in favor of plaintiff Dunn and against the said defendants, wherein the said Court adjudged that the several pleas of the defendants were not sustained

by the testimony and were inadmissible; that the said agreement was duly entered into by the said plaintiff and defendants and "was in full force" in law; that the plaintiff Dunn was entitled to salary as stipulated in the 6th paragraph of the agreement and also to his expenses, 15 yen, and costs of suit, wherefore the said Court did then and there adjudge that "there shall be paid by the defendants "to the plaintiff salary at the rate "$33⅓ yen per month up to the 30th "October 1875; also 50 yen per month "house rent to the same day, and "also 15 yen for Expenses, with interest "on each of said sums at the rate "of 6 per cent per annum, and

"also that the defendants pay the
"costs of Court." From this
judgment the defendants appealed
to the Daishin-in (the Supreme Court
of H. I. J. Majesty.) The Supreme Court
on the 27th December 1876 gave final judg-
ment on the appeal, affirming the
judgment of the Goto Saibansho, except
as to house rent, and decided that
"the only error" in the judgment of
the Goto Saibansho was the judg-
ment for house rent, as to which
judgment for house rent said
Dunn then and there, with the
consent of the Supreme Court,
entered upon its records
his release of said judgment for
house rent and forever acquitted
the defendants thereof. The judgment

of the Jots Saibanshs for salary, expenses and costs being thus finally affirmed by the Supreme Court the same in December 876 was duly remanded for execution to the Tokio Saibanshs, the Court of original jurisdiction. Sixteen months have elapsed and this Court the Tokio Saibanshs, has during all that time neglected and refused, and still neglects and refuses to issue execution as commanded against the property of the defendants, although the defendants have property, in value greatly in excess of the judgment, within Tokio, and, as Y.E. knows, are annually in receipt

of several hundred thousand dollars as pensions or annuities; and although the plaintiff Abe Dunn has repeatedly requested that execution issue, and did upon request of a judge of said Tokio Saibanshs, and did on request of a judge of said Tokio Saibanshs furnish to said judge, Kusegai, on the 22d of April last a letter of date the 22d of April 1878 containing the names of several of the said defendants possessed of large property in this city and also drawing large annuities. On the 28th of March last the said Tokio Saibanshs addressed to the President of said Company a communication, pointing out that the

available property of said Company was of the value of $2 yen and some sen, and that the same being wholly insufficient to satisfy said judgment, "the obligations of the Company require" that the defendants, (ie. the shareholders of the Company) shall individually make payment to Mr Dunn of the said judgment of the Superior Court as affirmed in the Supreme Court. This notification of the Tokio Saibansho of the individual liability of said defendants is in exact accord with the obligations of the defendants, the members of said Company, whose names were of record in the Superior and Supreme Courts,

as adjudged by the said Courts and as expressly declared by said Contract. To give such notice does not excuse the Tokio Saibanshs for neglecting and refusing to issue execution for the enforcement of the final judgment so rendered by the highest Courts of this Empire and to enforce which by execution is the duty of the Tokio Saibanshs, and its sole duty in the premises. But after sixteen months delay in this behalf we are now notified by the Joko Saibanshs that one of the judgment defendants, to wit:— Kujiyo Doko, petitions for an appeal against the judgment for salary— so rendered by the Joko Saibanshs to the same Court, upon the pretense

that the judgment so rendered was not against the defendants jointly and severally, as the Jato Saibanchi adjudged, but only against the property of the Company of the value of $82 yen only; and for the further reason, and I may add the only reason as disclosed by said petition for appeal, that the petitioner avers that the shareholders of the Company did not assent to the contract entered into as expressly declared on its face, "by the Company with Ambrose "L. Dunn, an American Citizen," and further that the 17th Article thereof is invalid (though the validity thereof was admitted on record by said petitioner for appeal and also by all the other

defendants, and adjudged by
the Supreme Court on the 30th October
1875, as before stated, to have been
duly assented by all the defendants
and that the same was valid in
law) This petition for appeal is
manifestly a mere device to pre=
vent the recovery of his "just
claim" by Mr Dunn against
the petitioner and all the other
defendants named on the record
of the Juzgado Saibandho. It is an
appeal prayed for on the 4th of
May 1878 from the judgment of the
Juzgado Saibandho rendered more
than two and a half years
ago to the Juzgado Saibandho, and
asking that Court to review and
reverse its own judgment as

affirmed by the Supreme Court
on the 27th December 1876!
Y.E. knows that by the rules of
procedure in appeal an appeal
cannot be taken after the ex-
piration of ninety days after the
date of judgment, and Y.E. also
knows that the Tokio Saibansho
rendered no judgment or decision
as this petition pretends, in March
last which could by possibility be
the ground for an appeal, or which
did or could in any wise affect
the final judgment of the Superior
and Supreme Courts as rendered
in this case. Doubtless the
petitioner for this appeal, whose
petition is dated the 4th of May
1878, is of opinion that so long

as his petition for appeal is pending, by the amended 18th article of rules of procedure in cases of appeal, as published the 10th of April 1876, execution upon the judgment of the Superior and Supreme Courts in favor of Gilbert Dunn and against the petitioner for appeal and his co-defendants in judgment will be suspended, and this without any security for the ultimate payment of the judgment, as the 18th rule requires no security.

It must occur to U.S. that if the Tokio Saibanshō can by its neglect to issue execution, in violation of law, and its notice

to the defendants of their individual obligation to pay this judgment, as declared expressly by their contract and by the final judgment thereon of the Courts, unable the defendants by filing a petition for appeal to suspend execution, the same device may be resorted to with a like result as often as the Superior and Supreme Courts should reaffirm their judgment and remand the same to the Tokio Saibansho for execution.

Against this long continued denial of the treaty rights of Mr. Dunn, an American citizen; against the refusal

of the Tokio Saibansho to issue process for witnesses, and against its refusal to issue execution on the final judgment as above stated I hereby enter my protest; and on behalf of my Government I respectfully demand that the treaty obligation of H. I. J. M. Government, to wit: that H. M's. courts shall be open to American citizens for the "recovery of their just claims "against Japanese", shall be respected and no longer set at naught by any of H. M's. tribunals.

Y. E. will doubtless promptly consider and act upon this matter as by the 12th Article of

the treaty of 1858 it is provided that "the Diplomatic Agent of "the United States in conjunction "with such person or persons "as may be appointed by the "Japanese Government shall have "power to make such rules and "regulations as may be required "to carry into full and complete "effect the provisions of this "treaty."

As by the outgoing mail of the 19th instant I shall communicate with my Govt. fully on this subject I trust that Y.E. will be pleased to furnish to me before that date such reply as Y.E. may deem needful to this, and also my Nos. 682 and 693, which I

had the honor to address to Y.E. in re=
lation to the same subject.

Sincerely desiring and hoping
in the interests of both Govts.
that there may be a prompt en=
forcement by Y.E. Govt. of the
just claim of Gibbs Dunn as
finally adjudged to him by
H.M. Courts of last resort,

I beg leave to renew
to Y.E. the assurance of my
high consideration.

(Sgd.) Jno. A. Bingham

Ack' June 26

Ark 76

W Payson

FOREIGN Relations 78

No 796.

DEPARTMENT OF STATE
JUN
13
1878
RECEIVED

United States Legation,

Japan,

Tokei, May 16, 1878.

Mr Bingham

to the

Hon. Secretary of State.

Subject.

Mr Okubo, Minister of the Interior,
was on the 14th instant murdered
by six men who waylaid him while
on his way in his carriage to the
Palace. The crime is supposed to
have been instigated by feelings
of enmity growing out of the
late rebellion, in the suppression
of which Mr Okubo took a —

prominent part. Mr Bingham pays a visit of condolence to Mr Okubo's family.

Enclosures.

1. Mr Terashima to Mr Bingham, May 14, 1878.

2. Mr Bingham to Mr Terashima, May 14, 1878.

3. Extract (translation) from the Hochi, Choya, Nichi Nichi and Akebono Shimbun, May 15, 1878.

No 796.

United States Legation,
Japan,
Tokei, May 16, 1878.

Hon. William M. Evarts,
Secretary of State,
Washington, D.C.

Sir:

It is with sorrow that I have to report that on Tuesday the 14th instant His Excellency Okubo Toshimichi, His Imperial Japanese Majesty's Minister of the Interior and Counsellor of State, was assassinated on a public street of this capital by six men armed with swords. The Minister was at the time in his

his carriage on his way to the Imperial Palace. One of the horses to the carriage was first killed and the other wounded by the assassins, and the coachman, having fallen from the carriage, was then also killed, when falling upon the doomed Minister, who was marked, each of the assassins inflicted wounds until the Minister was dead. The six criminals then surrendered themselves to the Imperial Guard.

Having been told of this great public calamity a few hours after its occurrence, I immediately addressed a note on the subject to the Foreign Office

Office, expressing the hope that the Minister had survived the assault; and on being notified by the Foreign Office of his death, I called with the Secretary of this Legation at the house of Mr Okubo and expressed in person my sympathy for his family in their bereavement; and also addressed a note to His Excellency the Minister for Foreign Affairs.

I have the honor to enclose herewith
2/ a copy of Mr Terashima's note
796 to me and of my reply thereto.

For your information I
96 also enclose four articles — published in relation to the assassination published in

and

and translated from the Kochi Shimbun, the Nichi Nichi Shimbun, the Choya Shimbun and the Akebono Shimbun, each having been issued on the 15th instant.

His Excellency Mr Okubo was one of the foremost of the Emperor's counsellors and officials, and in the prime of life. His place cannot be readily filled. Having a personal acquaintance with Mr Okubo I greatly esteemed him. He was manifestly sacrificed by some of the aiders and abettors of the late rebellion, of which I had occasion to say heretofore in my despatches that it was a rebellion "which should "not have begun" and which was "without

"without justification or excuse".
Its suppression was a patriotic
duty and His Excellency Mr
Okubo having done his duty
in that behalf is now on that
account murdered.

I have the honor to be,

Sir,

Your obedient servant,

Wm A Burghart

No 796.

Enclosure 1.

Copy

14th May 1878.

His Excellency
John A. Bingham
Envoy Ex. and Minister Plen.
of the U.S. in Japan,

Sir:

I have the honor to hereby inform you that this morning at 8 a.M. Okubo Toshimichi, Councilor of State and Minister of the Interior, while on his way to call on the Emperor, was attacked and wounded by assassins at Kiwaricho

Kojimachi, and has since died.

With respect and consideration,

(Sgd.) Terashima Munemori

H.I.J.M. Minister for Foreign Affairs.

No 796.

Enclosure 2.

Copy.

No 708.

United States Legation,
Tokei, May 15, 1878.

His Excellency
Terashima Munenori,
H. I. J. M's. Minister for Foreign Affairs,

Sir:

Your Excellency's communication of the 14th instant is received, wherein you acquaint me of the death on that day by the hands of assassins of His Excellency Okubo Toshimichi, Councilor of State and Minister of the

Interior, while on his way to call upon His Imperial Majesty the Emperor.

The loss of this greatly esteemed and valuable Minister of State is deeply deplored by me.

Accept, I pray Your Excellency, the assurance of my high consideration.

(Sgd.) Jas. A. Bingham

No 796. Enclosure.

Extract from the Japan Daily Herald May 15/78.

THE ASSASSINATION OF OKUBO.

Hochi Shimbun of May 15, 1878.

We have heard the following particulars with regard to the assassination yesterday, the 14th instant, of Mr. Okubo Toshimichi, *Sanji* and Minister of the Home Department, aged 42 years:—

At about 8.20 a. m., His Excellency left his house, in a carriage drawn by two horses, to go to the Imperial residence. Just as he arrived at a place commonly known as Shimidzudani, being lot No. 1 in the Kioi-cho, there came up from the opposite direction a young man dressed in clothing of light blue cotton cloth, holding in one of his hands some flowers, and singing a snatch of a song. He drew near to the carriage, and then, as a signal, threw down his bunch of flowers, and drawing a sword he had concealed on his person, tried to hamstring the near horse, whereupon, in a moment, five assassins sprang forth through an old wooden paling at the side of the road, brandishing swords with which they struck blows around. The horses plunged forward, and reached the front of the Kakunzensha site, when, the carriage being thrown backwards, the driver, named Yoshizo, was flung headlong to the ground, and at once cut down and killed. The carriage was then hemmed in both on the right and the left, and blows were struck, when His Excellency received a cut across the eyebrow and several wounds on the face: as, however, he was not even then quite dead, he was dragged forth, and despatched by a thrust through the neck. The groom who was riding behind the carriage ran off in haste to give the news at the police station, when some police inspectors and constables rushed to the spot, but all was over before they arrived. The assassins flung away their swords then and there, and ran off, with the intention of giving themselves up at the Household Department, there, however, they were surrounded by the men on guard, and in the meantime a number of police coming up bound and took them away. We hear that the names of the assassins are Cho Rengo, aged 18; Shimada Ichiro aged 29; Matsumoto Otokiku, aged 24; Wakida Koichi, aged 25; Sugimura Bunichi, aged 24;—all five being *shizoku* of the Ishikawa *han*,—and Asai Hisa-atsu, aged 23,—a *shizoku* of the Shimane *han*.

We are informed that the man called Shimada Ichiro is an officer of the Chikoku-sha ("Patriotism-advocating Society") in the Ishikawa *han*; and that Cho Rengo lived at Kagoshima up to the time of the rising of the insurgents in the West last year, after which affair he went back to that *han*.

Nichi Nichi Shimbun of May 15, 1878.

The following notification was, on the 14th inst., issued by the *Daijo-kwan* to all the *Kwan*, *In*, *Sho*, *Shi* and *Fu*.

"It is hereby notified that *Sanji* OKUBO TOSHIMICHI, was at 8 a.m. on the 14th inst., so severely wounded by assassins whilst on his way to the Imperial palace, as to cause his death.

"The assassins—Shimada, Sugimoto, Cho, Wakita and Sugimura, *shizoku* of Ishikawa *han*, and Asai, *shizoku* of Shimane *han*, were captured at the same time."

Look at the above mentioned notification issued by the *Daijo-kwan*! What day was it, the 14th May 1878? H. E. Okubo Toshimichi, an officer of the senior third rank, and decorated with the first class of the Japanese order, a member of the Privy Council and Minister of the Interior, has been assassinated at Kioi-machi (commonly called Shimizu dani) on his way to the Imperial Palace. It was the day appointed for distributing the decorations amongst the officers of the army and navy at the Daijo-kwan, and therefore his Excellency left his house at Ura-Kasumigaseki at 8 a.m., in a carriage drawn by two horses. The carriage was approaching Kioi-machi, and it was just at a spot where the rear of H. I. H. Kita-Shirakawa-no-miya's mansion is on the right, and the house of Mibu, the *kwazoku*, on the left, where there are some small mounds on either side of the road. Near Mibu's house mulberry trees had been planted, and the weeds had grown to such a height as to form a complete shelter for any one, and there were never many passengers in the neighbourhood. On this occasion the scene had a peaceful aspect, the day was rather cloudy, threatening rain, and no one was in sight except two young men who were dressed like students, and who carried branches of a tree with flowers upon them. They stopped and were playing with one another when a betto named Yoshimatsu came running along, and immediately after appeared the Minister's carriage, driven by a coachman named Taro. The carriage passed just in front of the Akasaka gate and turned to the left, and just when it was opposite the side of Mibu's house, four men made their appearance from behind a little wooden building on the left hand side of the road. They took off their coats and tied the sleeves of the garments very tightly aronnd their waists, when they appeared in white shirts, and were all armed with long swords. They suddenly approached the carriage, and wounded the horses in the fore legs, and these latter became unmanageable and fell to the ground. The coachman, greatly surprised, cried out Robbers! Robbers! and letting the reins fall, was about to jump down from the carriage when the assassins advanced near, and with one blow, cut him down from the shoulder to the breast. Immediately the two men with flowers in their hands who had been walking together, had turned back but were now armed with swords in place of the flowers, and the six men together ran up to the carriage, and as H. E. was about to get out from the left hand door and was trying to stand up on the ground, one of the assassins came forward and, aiming at His Excellency's head, gave an awful blow which cut from the top of the head to the eyes, and at the same time cut off one of Okubo's hands which he had raised in his defence. They then drew the Minister out from the carriage and inflicted several wounds in various parts of his body, and one of them, taking up a short sword, stabbed him through his throat, to give him the *coup-de-grace*, and left the sword sticking in the wound. They then threw the rest of their swords into the carriage (or as some say into the weeds which grow to a great height there), and went quickly away in the direction of Kojimachi.

Now the *betto*, having witnessed this wonderful scene whilst making his escape, immediately proceeded to the gate of the Imperial Palace, where he reported the matter to the guard. From thence he went to the police station outside Akasaka gate, and the news arriving at the same time from the Imperial Household Department, sergeants and policemen were at once sent to the place. General Saigo Yorimichi, who was at the Imperial Palace, having received information of the event, immediately proceeded in his carriage to Kioi-machi with all speed. When he arrived there he found much blood in three places, there were two or three sword cuts in the interior of the carriage, and the remains of the Minister were still lying there whilst the policemen were making an inquisition into the affair. The General descended from his carriage, and, finding that the official [illegible] had been finished, he

ordered the remains to be covered with a blanket, and to be placed in his own carriage, and the General himself conveyed them to His Excellency's mansion.

On receipt of the news which the *hatto* brought to the palace, the Imperial Household immediately placed extra guards at every gate. Meanwhile six men were seen coming from the direction of Kojimachi, towards the main entrance to the palace. On being asked who they were? two of them, who seemed to be the leaders, came forward, and in the calmest and most quiet manner, spoke together in the following terms: "We have just now assassinated OKUBO, *Sangi*, at Kioi-machi, on his way to the Imperial Palace, having awaited him there. Please report the matter to the authorities, and we will receive the punishment." The guards took the six men inside the gate, and forwarded their report to the authorities, and also sent word to the police station, from whence a police sergeant came directly with several policemen, to whom the six men were handed over, and were taken in *jinrikisha* first to the Head Station and afterwards to the Third Section, where they have been examined. Their names are as given in the foregoing notification. A copy of a petition was found on them. Cho and Shimada look a little over thirty years of age, and the other four about twenty, or over. Two of the four had their *hakama* stained with blood.

We are as yet unable to give particulars of the examination, but it is said that Cho was a chief *shisoku* in the late Kanazawa *han*, who had a pension of 300 *koku*, and that Shimada was, until lately, a barrister. It is also said that all six were amongst the rebels at the time of the last Satsuma rebellion, but had returned to their homes about the middle of the insurrection.

H. I. M. the Mikado, on hearing of this sad event was exceedingly grieved, and sent his attendant, Tomikoyi, on a message of condolence to the Home Minister's house. The two Empresses did the same, and forwarded various presents. All the high officers of all the departments also visited the late Minister's residence, and thus carriages were continually running about, and there was, for a time, great confusion. Mr. Kiriyama, the governor of Ishikawa *ken*, who is now in Tokio, proceeded to the Police Department at 4 p.m., and had not left at a very late hour of the night. A body of policemen were also detached to guard OKUBO's house.

His Excellency was one of the originators of the late Restoration, and had a very onerous office imposed upon him as *sangi* and Minister of the Interior. His Majesty trusted in him and the people placed their dependence on him, but now his life has been cut short by the swords of assassins. Alas! this is indeed a great sorrow for our country!

So many rumours have been current about this unfortunate event that it is impossible to say exactly what is true and what is false. It is possible therefore that there may be some wrong statements in the above, if so, we beg our readers to excuse us. We have only to add that His Excellency's funeral will take place at 2 p.m. on the 17th instant, and that he will be buried at Awoyama, Tokio.

The *Choya Shimbun*, in mentioning the assassination of His Excellency Okubo Toshimichi, says: "When we opened our letter box about 3 p.m. yesterday, we found a letter addressed to us by Umemoto Rokusuke, No. 6, Suido-cho, Koishikawa. On opening it, it proved to be "the tale of a traitor's assassination," in which the names of Shimada Kazuyashi, Cho Rengo and others were mentioned. It said: "To-day we are going to assassinate Okubo Toshimichi in the public street, and we want our tale of a traitor's assassination published in all the newspapers. His crimes are the following: *first crime*, he scorns and oppresses the people, and his administration of public affairs is arbitrary; *second crime*, he confuses our laws and is always bent on increasing his personal influence and wealth; *third crime* he wastes the finances of the empire on useless public works and superfluous public buildings; *fourth crime*, he dislikes the patriots and causes civil wars; *fifth crime*, he loses sight of the national dignity in his intercourse with foreigners." The letter consisted of thirteen sheets, written in a very good hand, and in a good style. We forwarded it to the police authorities, who have kept it until now. The letter also said that the persons mentioned in it at the time of the south-western rebellion tried to join Saigo in defence of the righteous cause, but that they failed to accomplish their object. It is reported that Shimada, Cho and the others were members of the *Chiu-koku-sha* (a patriotic society) in Ishikawa *ken*, and we hope shortly to be able to place more complete information before our readers.

The *Akebono Shimbun* says that the assassins have handed in a long petition, in which they state "that they were willing to sacrifice themselves on behalf of their country for the purpose of killing those high officers on whom the responsibility rests, and that Okubo *sangi* is not the only one, who is to be killed, but he is the first one." When they were asked by the examining officer, "why they killed the coachman?" they replied smilingly that "they felt it a pity to kill that coachman, but that they were obliged to do so because he attempted resistance."

The same paper says that immediately after the attack, an army officer from the barracks at Azabu happened to pass and asked the assassins, "what they had been doing?" They calmly replied that "what they had been doing was not for him to know, but that they were going to deliver themselves up and at the same time hand in a memorial, in which the reasons of their acts were plainly set forth." It is said that these six men have all been studying in Kagoshima for some years. These are, however, only rumours, the truth of which we cannot guarantee.

Ack. June 25

W Payson

No 797.

W Berdan



United States Legation,

Japan,

Tokei, May 16, 1878.

Mr Bingham

to the

Hon. Secretary of State.

Subject.

Enclosing a second petition of appeal in the case of Dimm vs the Petroleum Company, by one of the stockholders of the Company, which appeal Mr Bingham considers merely a device to avoid the payment of the judgment in favor of Dimm rendered by the Superior

and confirmed by the Supreme Court.

Enclosure.

Second petition of Appeal, May 11/78.

No 797.

United States Legation,
Japan,
Tokei, May 16, 1878.

Hon. William M. Evarts,
Secretary of State,
Washington D.C.

Sir:

Referring to my No 795 of date the 14th instant in relation to the delay of the Tokio Saibansho to issue final process to enforce the judgment of the Superior and Supreme Courts of the Empire in favor of A. C. Dunn, an American citizen, against the Japanese Petroleum Mining and Manu-

facturing

Manufacturing Company, I beg
leave to further acquaint
you that another petition
for appeal has been presented
by one of the several defendants
to the Jots Saibanshs (the Superior
Court) a translation of which
has just reached me and a
copy of which I have the honor
to enclose.

You will observe that this second
1/ petition of appeal bears date the
13th instant and, like that of
the 4th instant, made by the
same party and enclosed
with my No 795, professes to appeal
from the order of execution of
the Jots Saibanshs against the
individual property of the
defendants

defendants to the action, and which order is in exact accordance with the contract of the parties defendant and with the judgment of the Superior and Supreme Courts as shown by No 795, and is, therefore, in fact a petition for appeal, as I have shown in my said No 795. from the judgment of the Superior Court to the Superior Court. praying a reversal thereof and also of the judgment of the Supreme Court, which affirmed the same and adjudged the contract to be in full force and that the defendants should pay to said Dunn the salary as

as therein found to be due and for the payment of which the contract stipulated that the Company and its individual members should be personally responsible.

I bring this second petition of appeal to your notice as another of the devices to secure through the Courts a denial of justice in utter disregard of the treaty rights of the Dunn and of the laws of this Empire as shown in my No 702 to the Foreign Office, a copy of which is enclosed with my No 795.

I have the honor to be, Sir,

Your obedient servant,

Wm. A. Pringle

No 797.

Enclosure.

Copy.

13th of the 5th month, 11th Meiji

(May 13, 1878.)

Appeal against the seizure of property to pay the claim of Mr Dunn, an American citizen.

Attorney for the plaintiff — Nishimura Tokijiro, a citizen of Kochi Ken residing at No 1, Moto-risgaicho, gochome.

Respecting the decision that the claim of Mr Dunn shall be paid out of the private property of the shareholders of the Petroleum Company, rendered by Judge Kongi, Tokio Saibansho, March

28, 1878, Nishimura Tokishiro, presents the following reason for not assenting to this decision of the Tokio Saibanshs.

In this decision it is said that the property held by the individual shareholders shall be seized to pay the claim of Mr Dunn, but the original case is already in course of appeal to this Court (the Jotō Saibanshō) under which circumstances the decision of the Tokio Saibanshs made without regard to the final judgment, that the property of the defendants must be seized to pay the claim of Mr Dunn, must be regarded

as a most unlawful decision,
hence we cannot directly submit
to the tyrannical treatment of
said decision; and hereby
petition to receive the just
and equitable judgment of
this Court.

To the ~~~ (Sd.) Nishimura Tokichi.
Johs Saitaushi ~~~

Mr Adee
ack'd July 12.

No 798.



United States Legation,
Japan,
Tokei, June 3d, 1878.

Mr Bingham
to the
Hon Secretary of State.

Subject.
Acknowledging the receipt of
Instruction No 350.

No 798.

United States Legation,
Japan,
Tokei, June 3d, 1878.

Hon. William M. Evarts,
Secretary of State,
Washington, D.C.

Sir:

I have the honor to acknowledge the receipt of Instruction No 350.

I have the honor to be,
Sir,
Your obedient servant.
Jno A. Bingham

Ack C.P.

made Ackd July 12.

No 799.



United States Legation,

Japan,

Tokei, June 3d, 1878.

Mr Bingham

to the

Hon. Secretary of State.

Subject.

The appointment of General Saigo to be Minister of Education instead of Envoy to Italy.

No 799.

United States Legation,
Japan,
Tokei, June 3d. 1878.

Hon. William M. Evarts,
Secretary of State,
Washington, D.C.

Sir:

Referring to my No 784 of date the 29th of April last in relation to Lieutenant-General Saigo and his mission as Envoy Extraordinary and Minister Plenipotentiary to Italy, I now have the honor to acquaint you that since the death of His Excellency Mr Okubo it has been deemed advisable by

by His Imperial Majesty to continue General Saigo in the service of the Empire in this capital, and, therefore, his commission as Minister to Italy has been revoked and the General has been promoted to be a Councilor of State and Minister of Education.

Doubtless another appointment of Minister to Italy will soon be made.

I have the honor to be,

Sir,

Your obedient servant,

Mc A. Bingham

Mr Adee
Ack'd July 12.

No 800.

United States Legation,
Japan,
Tokei, June 3d, 1878.

DEPARTMENT OF STATE
JUL
6
1878
RECEIVED

Mr Bingham
to the
Hon. Secretary of State.

Subject.

The volume of the report of the Monetary Commission transmitted to the Minister for Foreign Affairs, who expresses his thanks for the same.

No 800.

United States Legation,
Japan,
Tokei, June 3d, 1878.

Hon. William M. Evarts,
Secretary of State,
Washington, D.C.

Sir:

Referring to Instruction No 349 in relation to the Report on the gold and silver question and the 1st volume thereof which was transmitted, I have the honor to acquaint you that the volume was duly delivered to the Minister for Foreign Affairs for the use of this Government, and that

His

His Excellency has been pleased by an official letter to express his thanks for the same.

I have the honor to be,

Sir,

Your obedient servant,

Mc. A. Ringland

Mr Adee

No 801.

Answered as per copy of 3rd
Desp. July 15, 1878
Mr Fish



United States Legation,
Japan,
Tokei, June 4, 1878.

Mr Bingham
to the
Hon. Secretary of State.

Subject.

Mr Bingham desires to know if the Department will not, in case of a further delay and denial of justice on the part of the Japanese Courts in the matter of Dunn vs the Japanese Petroleum Co., specially authorize him to demand, at his discretion, full indemnity of the Japanese

Government. He encloses another despatch to the Minister for Foreign Affairs, calling attention to his several unanswered despatches on this subject.

Enclosure.

Mr Bingham to Mr Terashima

May 29. 1878.

No 801.

United States Legation,
Japan,
Tokei, June 4, 1878.

Hon. William M. Evarts,
Secretary of State,
Washington, D.C.

Sir:

Referring to my Nos 795 and 797 in relation to the claim of Mr A. C. Dunn and the devices by sham petitions for appeal to defeat, in violation of law and treaty, the enforcement of the judgment rendered in the Superior Court more than two and a half years ago and affirmed in the Supreme Court seventeen

months

months ago, I beg leave to suggest as a means of compelling a decent respect on the part of this Government for its treaty obligation to our Government whether I should not be also specially authorized to demand indemnity at my discretion of this Government in the premises as well as the full payment of the judgment with interest and costs. If this Government would promptly pay the judgment, the necessary expenses of Mr Denny, as you indicated in your No 331 to me, might be all the indemnity that it would be judicious to insist upon; but if the delay is continued, I see no way to

to

so effectively enforce our treaty
right in the premises as to
demand the payment at once
by this Government of the
judgment on pain of the en-
forcement by our Government
not only of the entire claim
as adjudged to Mr Denny,
but also of a full indemnity.

In this connection
it seems well to acquaint you
that on the 29th ultimo I addressed
to His Excellency Mr Terashima,
the Minister for Foreign Affairs,
a note in relation to the
false and fraudulent petition
for appeal made by one of the
defendants in judgment to the
Superior Court, praying that

said

said Court would not only reverse its own judgment rendered two and a half years ago in favor of Mr Dunn, but also that it would reverse the final judgment in affirmance thereof rendered seventeen months ago by the Supreme Court of the Empire, a copy of which note to Mr Terashima, No 724, I have the honor to enclose. To this note, as also to my Nos. 649, 682, 693 and 702 enclosed to you with my No 795, I regret to say I have received no reply from the Foreign Office. This neglect to reply by the Foreign Minister may be taken either as a confession that no remedy

Can

can be offered for the neglect and refusals of His Majesty's Courts in the premises, or as indicating a purpose by this Government to treat with neglect the rights of our Government and of its citizens as guaranteed by treaty until it suits the pleasure of His Majesty's Minister to consider such matters; or it may signify both such confession and purpose.

Having followed my instructions in insisting upon the observance of the treaty obligations of this Government in this and all other matters, I trust

that

that my action herein may
command your approval.

I have the honor to be,

Sir,

Your obedient servant,

Wm. A. Bingham

No 801.

Enclosure.

Copy.

No 724.

United States Legation,
Tokei, May 29, 1878.

H.E. Terashima Munenori.
H.I.J.M's Minister for Foreign Affairs,
Sir:

On the 11th instant I had the honor to acquaint Y.E. of the new device for delay and for a further denial of justice in the matter of the judgment heretofore rendered by the Soto Saibansho and affirmed by the Daishinin in favor of Gilbert

Dunn, an American citizen,
against the members of the
Japanese Petroleum Mining
and Manufacturing Company,
to which despatch of the 11th
instant, numbered 702, I re-
spectfully refer Y.E.

I beg leave to inform Y.E.
that I am this day in receipt
of a notice sent through the
U.S. Consul General by the
Jo to Saibansho to Mr
Dunn, to the effect that
Mr Dunn must answer
the petition sent in on the
6th instant (in appeal) on
or before the 31st instant.

I now beg leave again to
protest against this appeal

to the Joto Saibanshō to reverse its own judgment and also to reverse the judgment of the Supreme Court, in violation alike of the rules of procedure in appeal of the Japanese Courts and of the treaty obligations of H. I. J. M's Govt. to the Govt. of the U.S. of America and to the citizens thereof.

To this note and to my No 702 I trust Y.E. will be pleased to give your attention, to the end that this delay and denial of justice may be ended and that the final judgment to rendered in favor of Mr Dunn may be enforced and the

full payment thereof obtained.

I have the honor to be,

Sir,

Your obedient servant,

(Sgd.) Jas. A. Bingham

Ack. July 12

Ack. C. P.

No 802. Mr Adee

United States Legation,

Japan,

Tokei, June 4, 1878.

DEPARTMENT OF STATE
JUL
6
1878
RECEIVED

Mr Bingham

to the

Hon. Secretary of State.

Subject.

Mr Bingham is confidentially informed that in November last the British Minister procured from the Japanese Minister of Finance a projet of proposed tariff rates in Japan, which has been used in Europe in antagonism to the treaty changes proposed by Japan. This projet has never been communicated

to the Italian, Russian or American Ministers. Mr Bingham considers that it explains certain newspaper utterances commented upon in his Nos 791 and 792. The Minister for Foreign Affairs in conversation with Mr Bingham, and in a subsequent letter to him, says that the projet was in no wise authorized or sanctioned by the Japanese Government.

Enclosures.

1. Mr Bingham to Mr Terashima June 4.
2. Mr Terashima to Mr Bingham " 5

No 802.

United States Legation,
Japan,
Tokei, June 4, 1878.

Hon. William M. Evarts,
Secretary of State,
Washington D.C.

Sir:

It was very recently confidentially communicated to me that a projet for a tariff revision with Japan, fixing the rates of all import duties, was last November in possession of the Minister of Great Britain in Japan, and that the same was transmitted to his Government and was by his Government sent over to the German Government for

for consideration. It would seem that this transaction so secretly conducted gave rise to recent communications to the public on tariff revision, to which I have called your attention in my Nos 791 and 792, and in which, among other things, it was said that the London correspondent of the Manchester Guardian had written that journal that he had seen "an important letter "from Yokohama stating that "a certain powerful protectionist "influence is at work in Japan, "which seems likely to lead to "the adoption of a strong anti- "free trade policy by the Japanese "Government." (See Enclosure with my

my No 791.) And in my No 792 you will observe that the Japan Herald of the 7th of May last, referring to this Manchester correspondent, says he "was not "well informed", and that "England, "France, Germany, Austria and "Spain are fairly agreed in sup- "port of moderate duties, while "Russia and Italy are indifferent," and that "with the exception of the "American Minister not one, we "(the editor) believe, gives any "encouragement to the protec- "tionist proclivities of the Japanese "Cabinet".

In further confirmation of the fact as above communicated to me, I beg leave to say that

some

some weeks ago the French Minister, M. de Geofroy, asked me if my Government had received a tariff projet from this Government, to which I replied that I had heard of no projet save the same, substantially, as communicated in the circular of Japan to its Foreign Representatives in last February; whereupon the French Minister said he did not refer to that circular but to a projet fixing the rates of duties. I said I had heard of no such projet, and nothing further was said to me on the subject by the French Minister. Now it appears by the above Herald article that France, England,

land, Austria and Spain are fairly agreed in support of moderate duties.

Having no doubt of the fact confidentially communicated to me as above stated, I called yesterday on Mr Terashima, the Foreign Minister, and privately acquainted him of what I had heard and asked him if his Government had proposed or sanctioned any projet fixing a specific rate of imposts to be carried into a convention or treaty, to which the Minister replied that no such projet had been proposed or sanctioned by his Government. I have today addressed a note on the subject

to

to Mr Terashima, asking his statement as above to be made in writing for transmission to my Government, the reply to which is not yet received, but when received a copy thereof will be transmitted to you. I
1/802 have the honor to enclose a copy of my note to Mr Terashima of this date.

I may state also that my informant further said to me that Mr Okuma, the Japanese Minister of Finance, prepared this projet of tariff duties, and that the British Minister obtained the same from Mr Okuma last November, to which fact I also called Mr Terashima's attention

Yesterday

yesterday, and was informed by him that Mr Okuma had made up a schedule of duties and that I could procure a copy of it from him, but that it was not given out by Mr Okuma as a proposition to be submitted by the Japanese Government to either of the Treaty Powers.

Mr Stevens informs me that on yesterday Baron Rosen, acting Charge d' Affairs of Russia at this Court, said that such a paper had been sent to all the Foreign Ministers at this Court save to the Russian, Italian and American Ministers, so that it thus appears that the

words

words of the Japan Herald, as I stated in my despatch No 792, were altered, apparently, ex-cathedra.

In view of what has thus transpired and is herein communicated, it seems to me that the British Minister does not appear well in thus sending to his Government in November last a specific rate of duties for Japan prepared by and procured from the Japanese Minister of Finance, and in March last calling my attention to the circular of the Yokohama Chamber of Commerce inquiring if an early revision of the Customs tariff

(of

(of Japan) was contemplated,
and stating to me, as I
communicated in my No 744,
that he could not, he supposed,
answer the Chamber further
than this, that it had already
appeared in the public journals
that Japan had made a propo-
sition to the Foreign Powers on
the subject. Manifestly the
British Minister on that
occasion was willing to con-
sult and "co-operate" with me
in making answer to the
Chamber of Commerce; but
it is also manifest that he
was not then, as he was not
before and has not been since,
willing to consult with me

touching

touching the projet of tariff
rates which he had submitted
to his Government, as I suppose.
I have before communicated
for the consideration of the
Department that the co-oper=
ative policy of Great Britain
in Japan simply means that
Great Britain shall dictate to
Japan the regulation of her
foreign and domestic commerce
and the rates of imposts, and
that our Government shall
assent thereto in the interests
of Great Britain and to the
injury of the interests of
Japan, and of our own interests.

That this projet of tariff
rates has been issued and is now

being

being used in Europe to
defeat any revision of the
treaties which would restore
to Japan the right to prescribe
her own tariff rates and regulate
her commercial relations by reason-
able laws of her own enactment
is to my mind beyond a doubt.
Though not so intended by the
Finance Minister, his schedule
of rates is used as a basis -
of "co-operation" in Europe
to perpetuate, substantially,
the existing commercial
restrictions upon this Gov-
ernment. The indefinite
continuance of the present and
final determination of this
policy, oppressive as it is -

unjust

unjust, rests at this time exclusively with our Government.

Since writing the foregoing I am in receipt of Mr. Terashima's reply to my note of the 4th, a copy of which reply I have the honor to enclose herewith.

2/802

I have the honor to be,

Sir,

Your obedient servant,

Wm. A. Buckham

No 802.

Enclosure 1.

Copy.

No 728.

United States Legation,
Tokei, June 4, 1878.

H. E. Terashima Munenori,
H. I. J. M's. Minister for Foreign Affairs,

Sir:

Referring to our confidential conversation of yesterday in relation to the reported projet for a tariff convention fixing the rates of duties on exports and imports for Japan, I beg leave to ask Y.E. to advise me in writing that no such projet

has received the sanction of H. I. J. M's Govt., as I understood Y.E. to state on yesterday, to the end that I may bring the matter to the notice of my Govt. An answer by tomorrow at least is desirable.

The last circular from Y.E. in relation to treaty revision was received by me in February last and was addressed to Mr Wodyeus.

I have the honor to be,

Sir,

Your obedient servant,

(Sgd.) Jno. A. Bingham

No 802.

Enclosure 2.

Copy.

No 13.

Foreign Office, Tokio,
The 5th the 6th month
The 11th year of Meiji.

H. E. John A. Bingham,
E. E. & M. P. of the U.S.A.

Sir:

With reference to Y. E's. despatch of the 4th inst. and Y. E's. confidential communication to me at our interview on the 3d last in relation to the report to the effect that the Japanese Govt. has given its sanction to a projet for a tariff convention fixing

the rates of duties on imports and exports for Japan, I beg leave in reply to state that, as I informed Y.E. verbally at the said interview, no such projet has received the sanction of my Government, and this Y.E. will be good enough to communicate to Y.E's. Government.

I avail myself of this occasion to renew to Y.E. the assurance of my highest consideration.

(Sgd.) Terashima Munenori.

H.I.J.M's Minister for Foreign Affairs.

Mr Adee
Ack. July 12.

Sent to Sec'y war July 9.

No 803.



United States Legation,

Japan,

Tokei, June 5th, 1878.

Mr Bingham

to the

Hon. Secretary of State.

Subject.

Enclosing tables of Meteorological Observations 1st January to 15th April.

Enclosures.

Meteorological Tables.

No 803.

United States Legation,
Japan,
Tokei, June 5, 1878.

Hon. William M. Evarts,
Secretary of State,
Washington, D.C.

Sir:

I have the honor to inclose the reports of the Imperial Meteorological Observatory from the 1st of January last to the 15th of April.

I have the honor to be,
Sir,
Your obedient servant,
Mo A. Bingham

Mr Adee

No 804.

DEPARTMENT OF STATE
JUL
6
1878
RECEIVED

United States Legation,
Japan,
Tokei, June 5, 1878.

Mr Bingham
to the
Hon Secretary of State.

Subject.

Customs Report for April. Exports 1,402,694.99 yen; imports 3,216,016.91 yen. Excess of export of specie and bullion 339,313.71 yen.

No 804.

United States Legation,
Japan,
Tokei, June 5, 1878.

Hon. William M. Evarts,
Secretary of State,
Washington, D.C.

Sir:

I have the honor to enclose the "Monthly Return of His Imperial Majesty's Customs of Japan" for the month of April last.

The abstract on page 3 shows the value of the export of domestic productions within the month to have been yen 1,402,694$\frac{09}{}$, and of imports to have been yen 3,216,016$\frac{98}{}$, showing an excess of imports to the

the amount of yen 1,813,322 89/100.

On page 2 you will observe that the import of specie and bullion for the month was but yen 99,000 70/100, and that on page 1 the report of specie and bullion for the month is stated at yen 438,313 71/100, an excess of the report thereof of yen 339,313 71/100.

I have the honor to be,

Sir,

Your obedient servant,

Jno A. Bingham

Give substance of Art 2 to press
C. P. ditto

No 805.



United States Legation,
Japan,
Tokei, June 5, 1878.

Mr Bingham
to the
Hon. Secretary of State.

Subject.

Enclosing regulations issued by the Finance Dept. in relation to the new domestic loan, and noting the fact that the bonds are not negotiable to foreigners.

Enclosure.

Regulations. Extract from the Japan Daily Herald. May 18.

No 805.

United States Legation.

Japan,

Tokei. June 5, 1878.

Hon. William M. Evarts,

Secretary of State,

Washington D.C.

Sir:

Referring to my No 790 of date the 8th ultimo in relation to the new domestic loan of this Government, I now have the honor to enclose a translation of the regulations issued by the Finance Department in regard thereto.

You will note by Article 2 of the regulations that the bonds

issued

issued to bearer may freely pass from hand to hand by sale, except to foreigners; and that, by article 6, bonds may on special demand be issued in the name of the holder with the assent of the Finance Department.

It seems that these bonds are not negotiable to foreigners. I think it well to bring this to your notice lest some of them might be offered to our citizens at home.

I have the honor to be,

Sir,

Your obedient servant,

Wm. A. Bingham

No 805.

Enclosure.

Extract from the Japan Daily Herald, May 8/78.

THE FINANCE MINISTER'S NOTIFICATION ABOUT THE NEW NATIONAL LOAN.

(Translated from the *Nichi Nichi Shimbun*)

THE following is a translation of the Regulations issued by the Finance Department with regard to the new National Loan :—

"This National Loan is raised for important purposes according to Notification 7, issued last month by the *Daijokwan*, and the following regulations, issued by the Finance Department with regard to the time of payment, &c., are now made public for the information of the subscribers to the loan.

Art. 1.—*The amount of the loan, its amortisation and the rate of interest.*—The amount of the loan is to be 12,500,000 yen, at an annual interest of six per cent. After the third year hence, that is from the year 1880, and during the next 23 years, that is until the year 1903, a certain quantity of bonds, according to the convenience of the Finance Department (Art. 4), will be drawn yearly for payment. The interest on the loan will be paid half-yearly, to wit, in June and December every year, until the year 1903 (the 35th year of Meiji), and the payments will be paid in gold, silver, or paper, according to the convenience of the Finance Department.

"The interest on the bonds drawn for payment shall be paid up till the date of the drawing in this way, that if the drawing takes place on or before the 15th, interest shall only be paid until the end of the previous month, and if the drawing takes place after the 15th of the month, then half a month's interest shall be paid.

"The bonds to be issued for the loan shall be of three different kinds : 500 yen, 100 yen, and 50 yen bonds, with interest coupons attached, the said coupons to be delivered up at the banks charged with paying the interest, on the interest being paid.

"*Art.* 2.—*Issue, sale and purchase of bonds.*—The bonds will be issued to bearer (with exception of those mentioned in Art. 6), and may freely pass from hand to hand by sale (except to foreigners) without any official control. The bonds may also freely be deposited as security for loans (except with foreigners), and change owners through inheritance.

"*Art.* 3.—*Subscriptions to the loan.* The First National Bank and the Mitsui Bank are charged with receiving subscriptions and with paying off the bonds and coupons, and public notice will be given by the Directors of these Banks in the newspapers of the time when subscriptions will be received, when bonds and coupons will be paid &c. &c. The subscriptions are to be paid in four instalments, namely at the time of subscribing and at three subsequent periods. On subscriptions paid on or before the 15th of the month, interest at the rate of six per cent. per annum shall be paid for half-a-month, and on those, paid after the 15th, interest will accrue from the commencement of the next month, exactly as said above in Art. 1. For each instalment paid subscribers will receive a provisional receipt, and when all the instalments have been paid, bonds will issued and the quantity of the different kinds of bond will be determined by the convenience of the Finance Department. If a subscriber, after having paid one or more of the earlier instalments is in default with regard to a later instalment, he shall forfeit the money paid. The provisional receipts for instalments paid may, however, be freely sold or deposited as security, except to foreigners; but in this case the names and addresses of the seller or depositor and the buyer or depository must be clearly signed by the parties themselves on the face of the receipt. If the new holder of the receipt should be in default with regard to a subsequent instalment, his case will be the same as mentioned above with regard to the original subscriber.

If the total amount of subscriptions shall exceed the amount of the required loan, then the two above-mentioned banks shall re-distribute the surplus pro rata among the subscribers.

Art. 4.—Drawing of bonds. As for the yearly drawing of bonds the Directors of the banks shall in the month of November summon at least five respectable resident bondholders who shall draw the bonds in the presence of at least two officers from the Bureau for National Debt, under the Finance Department, and of at least two officers, belonging to the local administration, and the numbers and class of the bonds drawn shall be published in the newspapers.

Art. 5.—Bonds lost or spoilt.—As long as a bond has received no injury in the place where the amount is printed, or where the signatures are written, it will, if genuine, although torn or soiled, receive its regular interest and final payment. But if a bond should by mishap be partly burned or otherwise injured in the place where the amount is printed or the signatures written, or receive a blot, that made it partly illegible, then the owner shall make a written application either to the head office of either the two banks, or to the branch office in Osaka, stating the nature of the accident and enclosing the bond, and the bank shall report the circumstances to the Finance Department, which, according to the nature of the case, will decide whether the bond can be exchanged for a new one, but the owner of the bond shall in all cases bear the expense of the exchange.

"ART. 6. *Bonds bearing the name of the bondholder.* Although the bonds as a rule are issued to bearer, bonds may on special demand be issued in the name of the holder, in the following manner.

"Such request shall be forwarded to the head or branch office of either of the two banks, which are charged with the issue of this loan, fifty or sixty days before the date when the last instalment is to be paid. All such applications shall be collected by the Banks and with a report, in which the names and addresses of the applicants and the amounts of their subscriptions are correctly stated, be forwarded to the Finance Department, which in return will signify its assent and send the necessary supplementary blanks, on which the bondholder's name is to be written, and he shall on receiving the same bring it to the Kencho or Kucho, where his name and address and other details shall be duly registered.

"The Finance Department shall, on receiving the report from the bank, enter the bondholders' names in a book and put its seal on the blanks which are to be sent to the bank. The Kencho or Kucho shall, when it has entered in a book the different kinds of bonds, their amount, their number, the names and addresses of the holders, and the date of the entry, attach the blank to the original bond with its official seal, and write the name and address of the holder on that blank, which shall be sealed with a half official seal and with the seal of the bank, and then the bond shall be returned to its owner.

"In cases where it is desired that bonds which were originally issued to bearer, shall bear the owner's name, the bondholder shall send his bonds to his Kencho or Kucho, with a petition, mentioning the kind of bonds, the amount and the number, and the Kencho or Kucho authorities shall give the petitioner a receipt for the bonds and report to the Finance Department, and when they have received that Department's assent together with the necessary blanks, they shall act in the matter as prescribed above, and hand back the bonds to the bondholder. If the local authorities should so desire it, the Finance Department will furnish them with a supply of blanks.

"When bonds, originally issued to bearer, have had the owner's name added, then whether these bonds be afterwards sold, deposited as security, lost by fire or other accident, or stolen, articles 6 to 10 in the regulations, published by notification No. 95 from the Department in May 1875, with regard to bonds for capitalised pensions, shall apply, subject, however, to the following modifications. (Here follow the modifications, which are of no general interest.)

"ART. 7. *Forged bonds.* It is prohibited to make

alterations or erasures on the face of a bond, to make a hole through it, or to obliterate part of it, whether it be a bond to bearer or bearing the bondholder's name, and any one who offends against this prohibition, shall be tried and fined up to ten times the amount of the bond that was tampered with.

"Any person, who forges a bond or causes another to forge or abets another in forgery or disposes of a bond, knowing it to be forged, and any person, who alters a figure or a word in a bond, or causes another person to make such alteration, or disposes of a bond, knowing it to have been so altered, or who is found in possession of paper or printing blocks, by means of which forged bonds may be struck off, shall be punished according to law.

"ART. 8. If required, the government will make further regulations to meet the circumstances of the case, and such additions will be forthwith published.

"The FINANCE DEPARTMENT.

"May 1878."

THE NEW NATIONAL LOAN.

On the 2nd instant the regulations under which the negotiations of the new domestic loan of Yen 12,500,000 were delivered by His Excellency the Minister of Finance to the directors of the two banks to which the business will be confided. At the same time, in the following address, a detailed explanation of matters connected with this important transaction was given.

THE MINISTER OF FINANCE TO THE DIRECTORS OF THE FIRST NATIONAL BANK AND OF THE MITSUI BANK:

The object of the Imperial government in raising a new national loan is only to facilitate the carrying out of such works as are mentioned in notification No. 7, issued by His Excellency the Prime Minister on the 3 th of April, and I will further explain to you, in detail, the reasons for this project.

Our country's prosperity is based upon a system of agriculture, but at the same time large areas of uncultivated land, well suited for farming purposes in general, have till now been unused and are therefore a dead capital to us. These large areas of land, when brought under culture, will also be very suitable for cattle or sheep farming.

By a general survey it has been proved that the total extent of our country amounts to 24,800 square ris, containing a population of 34,388,300 souls. But in considering the amount of land now in cultivation, which is only 2,700 square ris, and the large number of farmers, namely, 15,636,100, we discover that only about one-tenth of the entire surface is now rendered productive, and that the number of farmers is nearly one-half of our total population.

It is evident and clear from these comparisons, that more land should be brought into use, and that at the same time a larger number of our people should find employment.

The cause of such unfavorable conditions is without doubt principally to be attributed to the bad primitive methods of transport and communications of productions from one part of the country to another, where they are needed, and where a market for their sale may be found. Under such circumstances, the productions will not fetch prices equal to their real value, and workmen as well as merchants are not in a position to carry out their business on a large scale, but are kept embarrassed and can attain no sufficient results by their efforts.

It has been demonstrated that our country possesses a large number of mines, but here again the want of capital and mining machinery in the first instance, and, furthermore, of knowledge based upon experience, and the lack of effective means of transporting the metals or coals, render futile even the strongest endeavors, and allow them no chance of substantial profit.

Large numbers of mines have been discovered, but, for the reasons above stated, they are kept in an unproductive state, as nobody would be prepared to undertake mining in view of the difficulties which would meet him at every step.

Banks or commercial corporations may be established or framed, to meet with success; but if, on the other hand, trade and manufactures are not proportionally raised, the funds of the former will find only to a small extent means and ways of employment and will at last be necessarily kept out of use, and become, in turn, a dead capital, leading to constant loss.

The cause of such a lamentable state of things will again be traced to the want of transport and communication, and to the difficulty of exchanging those products which form the sources of our country's wealth and prosperity.

The most important and essential steps in the right direction, therefore, are undoubtedly to open and repair the roads which are most urgently required, to improve parts of our sea-coast and harbors, to facilitate both sea and land carriage, to open and work mines, to reclaim waste lands, to extend at the same time sheep and cattle farming, and to lay, by such means, a foundation for the increase of production in general.

Our government is at present disposed to encourage and recommend such works, as being of the most needed and advantageous nature.

As it will, however, require a large amount of money to inaugurate these works, and as the revenue from ordinary taxation cannot be applied to meet the expenses, the government has now, after deep consideration, and from conviction of the necessity of the measure, concluded to raise a national loan in order that the necessary funds shall be obtained and thus employed for the benefit of the people.

If these works can be favorably carried out, they will no doubt open new sources of production and bring prosperity to trade and commerce, upon which the wealth of the country and the welfare and happiness of the citizens depend. The loan will be raised by issuing bonds with interest-bearing coupons. Holders of these bonds thus directly increase their capitals without risk or trouble to themselves, and even the money paid out for this loan, forming a capital to increase the prosperity of this country, will tend indirectly to their profit.

For the wealthy it is plain that such investment will afford a good opportunity to put capital into circulation, and for the poor the benefit will be conferred of supplying work and wages in the creation of the above mentioned industries, the reclamation of waste lands, making of roads and development of mines.

The works particularly contemplated are as follows:

1.—The line of railway now connecting Osaka and Saikio to be extended as far as to Tsuruga.

2.—The ports of Niigata, Ishinomaki and others to be dredged and improved in such a way as to be most convenient for shipping in general.

3.—Roads to be cut through, levelled and repaired, wherever they are most needed.

4.—The mines at Innai and Ani in Akita, and those of other Kens to be completed, and a copper refinery to be established.

5.—The coal mines at Iwanai and Horonai in Hokkaido to be opened.

6.—All waste lands to be rendered suitable for cultivation, and sheep or cattle farming and other agricultural improvements to be introduced and encouraged.

These works and undertakings shall be commenced gradually, beginning with the raising of the loan, and shall be completed within periods of from two to five years, according to the nature of the enterprise. The funds raised will be made use of only for the specified improvements, and the amount of money to be invested in each of the separate transactions will be such as to produce the most profitable effect. Particular accounts, giving a clear and full insight as to the way and modes of expenditures, will be published every year from the first commencement of all works. Though the redemption of this loan and the payment of interest on the same are to be made out of the profit gained by the good results of the improvements in general, it is clear that as some of these improvements are made with the aim of an increase of production only, they can not, at least for the beginning, yield sufficient profit to meet these payments. Therefore without reference to good or bad results, an estimate will be drawn up by the Finance Department for these purposes, and, in the budget of the present fiscal year, will be published for general information.

By using your best endeavors to contribute to the success of these enterprises, you will act in accordance with the wishes of your government.

Subjoined are the regulations above referred to:—

GENTLEMEN:

You are hereby authorized and appointed, in accordance with the Notification No. 7, issued by H. E. the Prime Minister on the 30th of the 4th month, 11th year of Meiji (30th April 1878), to negotiate a National Loan according to the following rules:

ART. I. You will act with respect to every transaction of this National Loan in accordance with the views maintained and the directions fixed therefor by our government.

ART. II. The object of raising this National Loan, as well as the manner in which the respective bonds are issued, shall be fully and plainly notified to you, and in accordance with such information all transactions connected with the Loan have to be undertaken and performed.

ART. III. All necessary information relating to this loan shall be submitted first to the Imperial Finance Department for approval and then be published in newspapers, etc.

ART. IV. This National Loan is to be for 12,500,000 yen, at an issue rate of 80 per cent. (80 yen per 100 yen), the actual sum to be subscribed amounting to 10,000,000, yen.

ART. V. Subscribers will pay the amount subscribed for in four instalments (including their first instalment or deposit). The subscription for this loan will be closed at the end of the 8th month next (31st of August, 1878), so applications for subscription should be made within this period and the first instalment or deposit paid. The terms, as well as the time of the following two instalments, will be settled hereafter, while payment for the last instalment is not to be made until the last day of the 4th month of the 12th year of Meiji (30th April, 1879).

ART. VI. Tokio and Osaka will be recognised as the principal seats, where the chief or branch offices of your banks are situated, for all transactions concerning this National Loan: but you are authorized to receive subscriptions and to enter into contract with trustworthy banks or corporations for all transactions, and at such places suitable for the purpose, and to pay particular attention with respect to all such transactions, so as to avoid every

misunderstanding or trouble with regard to the raising of the loan.

ART. VII. Deposit receipts and scrip certificate receipts are to be printed, filled out and delivered to the subscribers of this loan for the payment of their first deposit and following instalments at your offices. The bonds themselves, which are printed by the Imperial Finance Department, will be delivered to you when the last payment has been made, upon which you have to give all necessary information to the Imperial Finance Department.

ART. VIII. Full detail information will be given to you with regard to the mode of payment of all money, which your banks have received, to the Finance Department, and all particulars with regard to your commission.

Upon your acknowledgment of the above information you are requested to give notice of the same to the Finance Department.

(Signed) OKUMA SHIGENOBU,
Minister of Finance.

2nd day of 5th month of 11th year of Meiji.

—*Tokio Times.*

THE LOAN FOR THE ENCOURAGEMENT OF NATIONAL INDUSTRY.

(Translated from the *Nichi Nichi Shimbun.*)

On the 30th ultimo our government issued a notification that a loan of twelve and a half million for the encouragement of the national industry should be raised by national subscription, and thereupon the Minister of Finance published on the 3rd inst the rules and regulations for the loan and its subscription. And consequently our capitalists have fixed their attention upon this loan, and are eager to study its advantages or disadvantages, in order to make up their mind, whether they shall subscribe or not.

The loan is to bear an annual interest of six per cent., and in the third year hence it will commence to be paid off, a certain quantity of bonds being drawn by annual lottery for payment; the whole loan is to be paid off in twenty three years, that is up till the 35th year of Meiji. This is a fair proposal and it becomes still more acceptable to money-lenders, if it proves true, what we have heard, that the loan is to be issued at 20 per cent. less than its nominal value, namely at 80 per cent., which would raise the interest to 7 per cent. The convenience of investors has been consulted by arranging that the subscriptions may be paid in four instalments, the provisional receipts for which may be transferred from hand to hand. The bonds themselves are to have interest coupons attached to them, and to be made payable to bearer; they may be sold and bought or hypothecated at will. But bonds may also, on special demand, be issued in the name of the owner. Thus it has in every way been an object to suit the convenience of the public and the money market.

The Finance Department will receive exactly ten millions of *yen* as proceeds from the loan, but the way in which this money is to be spent is not exactly known, until the prospectus has been published by the First National Bank and the Mitsui Bank, these two institutions, according to the above mentioned order from the Minister of Finance, being charged with the details of the loan. But we understand the money to be wanted for the following purposes; *firstly*, to build a railway from Tsuruga, in the province of Echizen, to Otsu and thence to Kioto, thus facilitating transports between the northern and southern coasts; *secondly*, to open a new port at Nobiru; *thirdly*, to build a breakwater at the entrance of the port of Niigata; *fourthly*, to push the mining operations at In-nai and Anin, and *fifthly*, to work the coal-mines at Satsu-nai and Gwan-nai. In this manner the loan would highly benefit national enterprise and industry throughout the empire.

If our above information is correct, then it will be worth our while to examine the importance for the carrying trade of railway communication between Tsuruga, Otsu, Kobe and Kioto, and of safe harbours at Nobiru and Niigata, further, what proportion of the wealth of our country is derived from our mines, and how far it be profitable to increase their output, and finally whether it properly belongs to a government to take charge of such enterprises. And if we find the enterprises promising to be profitable, and that their initiation and management ought to be in the hands of the government, then we shall go a step further and examine what measures ought to be taken by the Finance Minister to make sure that the money raised by the loan be not diverted and spent for other purposes than those for which it was intended, and whether the yearly interest and payments on the loan ought to be paid from the ordinary revenues of the empire, or are likely to be supplied by the profits realised from these new enterprises, if not directly, at all events indirectly. But whether the gains be direct or indirect, we must also consider the question, whether this addition of twelve and a half million to our national debt, Home and Foreign,—which, including the paper currency, has already reached the large figure of several hundred millions,—is likely to injure our national credit.

It the government executes its programme, and the Minister of Finance is able to husband the money, and prevent it from being spent for other purposes than those for which it was borrowed, then we have no hesitation in declaring our opinion that the loan will be a blessing for the empire of Japan and foster its prestige among the nations of the world. While every other nation only thinks of war and borrows money to prepare for war, Japan is raising a loan to develop peaceful industry. We for our part shall watch the progress of the loan with a lively interest, and keep our readers informed of all its stages, making at the same time our own commentaries on the financial policy of the government.

WITH reference to the new national loan, Iwakura Tomomi, *Udajiin*, has addressed a letter to the *kwazoku* in general, which has appeared in the *Mainichi Shimbun* for the 9th inst. After recapitulating in substance what had been already stated in the Finance Minister's notification to the public and letter to the Directors of the First National and the Mitsui Banks, dated the 2nd inst., His Excellency goes on to say:—

"I have now something to tell all of you, who belong to the class of Nobles, and that is that neither is our country brought to its proper flourishing condition, nor do the people, who are our bretheren, enjoy their full degree of prosperity. By the grace of His Majesty the Emperor we ourselves have succeeded to the rank and state of our ancestors and live in comfort, but we must not forget that the happiness of our descendants is closely bound up with the prosperity of the empire and the contented state of the people. And we, who have been placed in an exalted position, above the rest of the people, must ever remember that this very position makes us responsible for the peace and happiness of our country. I fully believe that all of you herein agree with me, and I know from experience how solicitous you are about the well-being of the people. We have had to face great troubles together, and I think we ought, when an opportunity offers, join in an united effort to relieve our country, Unless we unite, we can secure only a small result. But fortunately, just now the government has come forward and invited assistance in its plan for encouraging public enterprises. In responding to that invitation you will increase the prosperity of the country, assist the benevolent intentions of the Imperial Government, and consult your own glory. You are accustomed to look upon the people as your children, and there is now a prospect of your being able by your kindness to promote their happiness and comfort. Besides, the loan is a safe investment for your savings; you will increase your own wealth at the same time as that of the country, and lay by a fortune for your descendants. If you compare this loan with other schemes for making money by investment, it is evident that every advantage with regard to security of profits is on the side of the loan.—I therefore earnestly request all the Nobles to consider well my humble words."

Rec'd July 12

Ack't & send copy of Mr. Schleicher's recent report on indemnity. Dirdsn. July 20

G.P.

No 806.

Mr Adee

United States Legation,

Japan,

Tokei. June 5, 1878.



Mr Bingham

to the

Hon. Secretary of State.

Subject.

An editorial in the Japan Daily Herald upon the proposed return by the U.S. of a portion of the Simonoseki Indemnity to Japan, in which the U.S. is abused for giving to Japan money which it is alleged rightfully belongs to England.

Enclosure.

Enclosure.

Extract from the Japan Daily Herald of the 21st May 1878.

No 806.

United States Legation,
Japan,
Tokei, June 5, 1878.

Hon. William M. Evarts,
Secretary of State,
Washington D.C.

Sir:

In the Japan Herald of the 21st ultimo there appeared an editorial upon the proposition pending in our Congress to pay back to Japan a portion of the Simonoseki Indemnity, a copy of which editorial I have the honor to enclose.

This article is only an additional assault upon our Government

and

and people, inspired by the same malevolent spirit which called out like assaults in the past, of which I have more than once made mention in my despatches to the Department. The editor is pleased to remark that "the American conscience "has compunctious visitings every "now and again because, as in "the case of the Alabama claims, "the nation finds itself in the "possession of more money than "suffices to satisfy the legitimate "demand upon the funds in "hand. In both cases England "has been victimized, but in neither "is it proposed to make restitution" Of this statement it is sufficient

to

to say that if England was victimised, it was her own act, not ours, nor the act of Japan; and the special allegation of the Editor that England's expenses in inflicting the necessary chastisement at Simonoseki were about two thirds of the whole sum, is beyond all question untrue; but the falsehood was necessary to support the malicious assertion of the article, that the United States was criminal in exacting or receiving indemnity, while England was fully justified! The article then proceeds to declare that "a few American "school masters in the Japanese

Employment

"employment", notably Dr -
David Murray, an American
of high character, who is at
the head of the Educational
Department of Japan, seek
to have "this English money"
presented "through the agency
"of the American Senate" to
Japan.

The paper concludes that for
the American nation to take
money "that is not its own"
and "to give it to somebody
"to whom it does not belong"
is what "Dick Turpin and
"other 'gentlemen of the road'
"in their more generous moments
"used on occasion to be guilty
"of".

It

It is not needful to send this atrocious article home save to acquaint you still more fully of the spirit of British domination here over Japan and the United States and the citizens of each.

I have the honor to be,

Sir,

Your obedient Servant,

Wm A. Kingham

No 806.

Enclosure

Extract from the Japan Daily Herald, May 21, 1878.

Cheap Liberality.

We seem as though we were fated never to hear the last of the Shimonoseki Indemnity. The American conscience has compunctious visitings every now and again, because, as in the case of the *Alabama* Claims, the nation finds itself in the possession of more money than suffices to satisfy the legitimate demands upon the funds in hand. In both cases England has been victimised, but in neither is it proposed to make restitution.

With regard to the unexpended balance of the Shimonoseki Indemnity fund in the American treasury, a few American schoolmasters in Japanese employment have thought it politic to agitate for its return to Japan. Some time ago Dr. DAVID MURRAY, of the *Mombusho*, sent what was designated "an open letter" to members of Congress, urging the payment of the fund, not forsooth, to whom it really belongs, but to Japan. As we have pointed out before,—and the parliamentary blue book which contains the diplomatic correspondence on the subject shall be our witness,—the sum exacted simply covered the actual expense incurred to put an end to the lawless proceedings at Shimonoseki,—proceedings, by the way, which had the entire sympathy of members of the present Japanese Cabinet. The three million dollars indemnity exacted it was agreed should be divided amongst the powers engaged,—England, France, America, and Holland,—in exact proportion to the participation of each. The expenses of America were trivial not more than some $40,000, and it was entitled to that sum only, but suddenly it insisted upon this equitable plan of apportionment being abandoned, and, under the flimsy pretext of "the flag" being engaged, American negotiators clamoured to receive a fourth of the whole, viz., $750,000, or $710,000 more than

America was equitably entitled to. England, always generous in money matters, with a view of putting an end to the trumpery squabble, though its pecuniary interests were alone affected, yielded to the demand. The consequence was that England, of all the powers engaged in inflicting the necessary chastisement for that outrage, was the only one seriously out of pocket by the transaction; her expenses were about two-thirds of the whole sum, whereas she received, under the inequitable principle urged by America, only one-fourth of the whole, America pocketing the difference. It is this English money, therefore, which Mr. DAVID MURRAY, of his very great bounty, through the agency of the American Senate, proposes to present to the Japanese. But he should have been just before being generous, and if he had been disposed to play the part of agitator he should have addressed Congress, not to wrongly make away with money which in reality is not its own to give, but to make restitution to the British exchequer. But this as the sequel has proved, was not to be expected. Dr. MURRAY is not in the employment of the English Government, and has, therefore, no personal interest in justice being done to those rightfully entitled to it.

It seems almost as though it were a work of supererogation at this late time of day thus to call attention to the real circumstance of the case, but there has been so much of interested agitation indulged in, and so much ignorance displayed with respect to the merits of the question, that it has become obscured; we have therefore thought it right once more to write a few lines on the subject. Take, for instance, the following paragraphs culled from two papers of established reputation, the *Tribune* and the *New York Nation*:—

"FAIR DEALING WITH JAPAN.

"A HOUSE COMMITTEE WHICH BELIEVES THAT JUSTICE REQUIRES REPAYMENT OF THE INDEMNITY FUND.

"Washington, March 29th.—The disposition of what is known as the Japanese Indemnity Fund will occupy the attention of Congress again in a few days. The Committee on Foreign Affairs in the House referred the question, a short time ago, to a sub-committee, consisting of Messrs. Schleicher, Bridges and Monroe. This sub-committee has been diligently at work, and has prepared a report wherein a return of the fund to the Government of Japan is recommended. Governor Swann, chairman of the full committee, takes the same view of the question as that held by the sub-committee, and says that the latter's report will be adopted by the full committee, and be presented to the House in two or three days.

"It is now more than twelve years since the occurrence which was the occasion of this indemnity. The fund has been paid to the United States at intervals. The portion of it not paid on claims recognized as legally chargeable to this fund in accordance with treaty stipulations now amounts, with interest, to nearly $1,500,000.

"The fund was paid to the United States as indemnity for a warlike assault upon an American merchant vessel, the *Pembroke*, in 1863, under the direction of the powerful Prince Chosiu, who was resisting foreign intercourse with Japan, notwithstanding the fact that the Tycoon had formed treaties of amity and commerce and was endeavoring to fulfil treaty obligations. The same Prince fired upon French and Dutch vessels, and the representatives of the Treaty Powers assisted the Tycoon in fitting out an expedition which utterly destroyed the Prince's vessels and batteries, and forced the Prince himself to submission. The Treaty Powers made a demand upon the Japanese nation for damages and expenses, the result of which was the agreement of the Japanese Government to pay $3,000,000 to the Treaty Powers for an indemnity fund, the share of the United States being fixed at $785,000.

"All claims against this fund having been paid, the committee now holds that it is not right to exact further indemnities, and that, in a spirit of conciliation and unobstructed intercourse with Japan, American justice and magnanimity will be shown by paying back the remainder of this fund, including its accumulation of interest, to the Government of Japan."

"American justice and magnanimity," forsooth! bearing in mind the history of the transaction, was there ever a greater parody than this?

The *Nation*, which, like the *Tribune*, is not well informed on what it is writing about, writes in a very different spirit, and counsels the keeping of the money. It says:—

"Fifteen years ago, a Japanese daimio, who was in open revolt against the Tycoon, fired on an American ship and made assaults also on other foreign vessels, until he was brought to reason by his own Government aided by foreign Powers. It was a case in which, considering all the circumstances, it was ungenerous to exact from the Japanese any compensation beyond actual damage done. Nevertheless our Government did join other Powers in claiming an indemnity, amounting in all to $3,000,000, of which our share was $750,000, an enormous and, as the result has shown, unjustifiable sum for an attack on a single merchant vessel. This money has been paid in instalments, all the recognizable claims arising under it have been settled, leaving a balance with interest, of nearly $1,500,000, which has been lying in the Treasury for some years. The return of the amount to the Japanese Government has been recommended by the Committee on Foreign Affairs, or rather a sub-committee, as but fair and honest. This is a very extraordinary recommendation. The money was paid to the United States as a nation; if the damage done to individuals for whom we demanded it was not half or quarter what we said or thought it was (the constructive damages for the *Pembroke* amounted to $10,000), so much the better for us. The times are hard, and a million and a half of money is a big sum. Therefore we say keep every cent of it, and let it go to lighten the expenses of a sorely burdened people. The Japanese may grumble, but they cannot help themselves; and if they do not like the transaction they can go with some of the Alabama claimants, in accordance with President Seeley's recommendation, before the 'August Tribunal of History' and howl and howl until they are tired."

The "August Tribunal of History," if its judgment be invoked, will only be enabled to pronounce, that whether the American nation retains the money for itself, or gives it back to the Japanese, nothing can cure the "original sin" of its early greediness, and want of conscience. To take money that is not your own, and to give it to somebody to whom it does not belong, is exactly what DICK TURPIN and other "gentlemen of the road" in their more generous moments used on occasion to be guilty of. Surely what was wrong in DICK TURPIN cannot be right in Dr. MURRAY and those who are to be found agreeing with him.

No 807.

Wade

DEPARTMENT OF STATE
JUL 6 1878
RECEIVED

FOREIGN 78

United States Legation,
Japan,
Tokei, June 6, 1878.

Mr Bingham.
to the
Hon. Secretary of State.

Subject.

Mr Bingham encloses an account of the funeral of Mr Okubo taken from the Nichi Nichi Shimbun, a memorial of his life from the Japan Mail and the address of the Emperor conferring upon Mr Okubo the rank of Udaijin and Shonii and giving him 5000 yen.

Enclosures

Enclosures.

1. Account of the Okubo's funeral. Nichi Nichi Shimbun (Translation from the Japan Herald, May 21.)
2. Memorial of the Okubo's life Japan Mail (Extract from the Japan Herald, May 22.)
3. The Emperor's address to Mr Okubo.

No 807.

United States Legation,
Japan,
Tokei, June 6, 1878.

Hon. William M. Evarts,
Secretary of State,
Washington D.C.

Sir:

Referring to my No 796 of the 16th ultimo, wherein I acquainted you of the assassination of His Excellency Okubo Toshimichi, I beg leave to further communicate a translation from the Nichi Nichi Shimbun (the official organ) an account of the funeral of the Okubo and a memorial of his life from the Japan Mail.

It

It was apparent in the many thousands who looked on in silence when the remains of the murdered Minister were borne to the grave, attended by the personal representatives of His Imperial Majesty, by the Ministers of State, and the representatives of all Nations accredited to this Court, and many people, that there was general and sincere regret that the Minister was dead and that so great a calamity had befallen the Empire.

On the 15th of May, the day after the assassination and death of the Okubo, His Imperial Majesty

Majesty the Emperor addressed to Mr Okubo a letter, a copy of which the Foreign Minister has kindly sent to me at my request. I enclose a translation of His Majesty's letter in which he says to Mr Okubo as though present and in life:—

"You were indeed our most
"valued and trusted servant.
"In your untimely death we
"have therefore suffered the
"most mournful bereavement.
"In token of our respect we
"hereby confer upon you the
"title Udaijin with the rank
"of Sho-ni-i (Senior Second) and
"also present you with five thousand
"yen."

There is something very impressive in

in the simple faith of this people that their dead still live.

I have the honor to be,

Sir,

Your obedient servant,

M. a. Bingham

No 807.

Enclosure 1.

Extract from the Japan Daily Herald, May 21, 1878.

The Burial of Okubo Toshimichi.

(From the *Nichi Nichi Shimbun.*)

THE obsequies of Okubo Toshimichi, on whom the tittle of *Udaijin* and the grade of senior second rank officer were posthumously bestowed, took place yesterday. The funeral procession left the residence of the deceased Minister in Sannen-cho, Kasumigaseki, Tokio, at 2 p.m., and winding its way by Uchi-saiwai-cho, through the Tora-no-mon gate, along Katohira-cho, past the Public Works' Department, by the 7th street of Ta-machi, Akasaka, by Denna-cho, over Ushinaki-saka, reached the burial grounds at Awoyama. The procession was preceded by a police inspector on horseback, followed by nine mounted police sergeants, who rode three abreast. Then followed a regiment of cavalry, a company of sappers and a band of music; next came two battalions of infantry, and a field battery; after these were borne aloft branches of the sacred tree Sakaki, and sixteen banners in red and white in two files. Then came Shinto priests on horseback, and ten musicians, in two lines, immediately followed by the coffin, and its fifty bearers, accompanied by attendants, who carried severally the sword of the deceased, his shoes, and artificial flowers.—Behind the coffin

rode the chief mourner, Okubo Toshikazu, in a carriage, followed by the four sons of the deceased in another carriage. Then followed General Saigo, Lieut.-Generals Oyama, Nozu, Takashima, and four other gentlemen. After a little interval came the Imperial representatives, the Princes of the blood, the Ministers, the Members of the Privy Council, the Foreign Representatives, other foreigners, and some of the Nobles. Next in order came Kawaji, the Chief of Police, police inspectors, and police sergeants, all on horseback; the *Sonin* (the 4th to the 7th class), the *Hannin* (8th—17th class), the remainder of the Nobles and many other persons. A battalion of infantry and a field-battery closed the procession.

The soldiers carried their rifles reversed, and their arms as well as the instruments of the musicians were draped with white crape.

As soon as the coffin arrived in the cemetery at Awoyama, the troops took up a position to the west of the grave, and a salute of fifteen rounds was fired from a battery of six guns. While the priests performed the funeral service, the music played in a mournful strain, and when the service was over, another salute of fifteen rounds was again fired. The coffin was then lowered into the grave, which was more than fifteen feet deep, and when the grave had been filled up, a tablet was placed upon it, which bears the following inscription: "Here rests Okubo Toshimichi, Member of the Privy Council, Minister of the Home Department, senior third rank officer, knight of the first class of the order of the Rising Sun, and after his death honored with the title of *Udaijin*, and senior second rank officer."

It is impossible to tell how many hundred thousands of people witnessed the funeral, the carriages alone were counted by hundreds upon hundreds. The streets, the entire route from Okubo's residence to the cemetery, were lined on both sides with policemen; men and women crowded like ants in the streets to have a look at the funeral, the splendour of which they greatly admired, but the sadness of their feelings made them all very subdued and quiet. The cost of the funeral probably amounts to more than 20,000 *yen*.

Nakamura Taro, Okubo's coachman who was killed at the same time as his master, has been buried close to the latter.

No 807.

Enclosure 2.

Extract from the Japan Daily Herald, May 22, 1878.

The Assassination of Okubo.

(From the *Japan Mail.*)

The Japanese Revolution, mild as its course has been, manifests its likeness to the bloodier revolutions of Europe in devouring its own children. Okubo Toshimichi, Councillor of State and Minister of the Department of the Interior, one of the leaders of the band of patriots who swept away the feudal system because it was a usurping despotism, fell, on the 14th instant, by the swords of assassins who make it their first charge against him that he was an enemy to public discussion and the people's rights.

It may be true, as declared in the circular promptly issued by the authorities, that the actual perpetrators of the crime, the six youths now undergoing examination, represent the whole extent of the conspiracy; but we are not bound to receive on trust the further statement in the circular that the incident has no political significance. Had the crime been the act of a solitary maniac or the wreaking out of some feeling of private revenge, there would have been no great improbability in the official assurance thus spontaneously tendered; but the ink of the circular was hardly dry when an epitome of the manifesto setting forth the reasons which actuated the murderers was published in one of the leading newspapers of the capital. It is scarcely necessary to dilate upon the abhorrence which deeds of this kind must excite in the mind of every well-wisher of this country, whatever may be the shade of his political opinions; but in view of the well-marked division of parties, of the prominent position held by the deceased statesman among the party now in power, and of the recent evidences of the intensity with which, under the external calm maintained by the strong hand of the administration, political ideas are fermenting and seething amongst the masses, it would be folly to attempt to shut our eyes to the fact that for the Japanese nation at large, and for the present cabinet in particular, the death of Okubo is an event of the utmost political significance. In order to be able to forecast the influence which it is likely to have upon the course of public affairs, it will be necessary to pass in brief review the career and character of the vassal whose loss the MIKADO bewailed in words of such studied dignity in his address to the assembly of Provincial Governors.

Born early in the third decade of the present century, of a humble *samurai* family in the Satsuma clan, and nurtured in the traditions of haughty exclusivism and of jealousy of the Tokugawa Shoguns which were the heritage of the Shimadzu house, Okubo's sympathies were early enlisted in the literary movement which looked longingly forward to the restoration of the governing power to the Sovereign's hands. Drawn towards Kioto, the centre of this movement, he there cultivated the friendship of the few amongst the *Kuge* who gave signs of political capacity, and between these dignitaries on the one hand and the body of patriotic students like himself—the pick and flower of the various feudal clans—on the other, an alliance was cemented which formed the nucleus of the Court party that ultimately overthrew the Shogunate. In the troubled times which followed the appearance of the foreign fleets in the harbours of the Kwanto, the politics of his own province afforded ample scope for the display of his remarkable intelligence and vigour. He was in the train of Shimadzu Saburo in 1862 when Richardson's life was offered as a sacrifice on the shrine of the offended dignity of that arrogant nobleman, and in the negotiations and fighting which ensued, he proved himself one of the boldest and ablest members of the clan.

We must pass hastily over the five eventful years that elapsed between the fight at Kagoshima and the abdication of the last of the Shoguns; not because the part played by Okubo in the drama then enacting was an unimportant one, but because the interest of the story is now historical rather than practical. It was not till the very moment of the crisis, the fight at Fushimi, that Okubo stepped into the front rank of the Councillors of the new Government. It was at his urgent advice that the brocade banner was unfurled which stamped the Shogun a traitor. Immediately after, he sent in a startling memorial, recommending the removal of the Capital from Kioto, and the abandonment by the Sovereign of that excessively reverential ceremonial by which his assumption of semi-divinity was maintained.

In the discussion of this and other urgent questions of state, the wide difference in the calibre of the two sections of which the Court party, now the new government, was composed, was made abundantly manifest. The *Kuge*, whose whole stock of attainments consisted in a knowledge of Court etiquette and a smattering of elegant literature, were as children by the side of the *samurai* leaders, men versed in the practical work of local administration and bent on obtaining for themselves that position in the national councils to which their abilities justly entitled them. Between the old principle of office for the aristocrat and the new principle of tools to the workman the contest was not doubtful, and within a month of the presentation of Okubo's memorial, on the 6th April 1868, the Mikado, under the most solemn forms by which a monarch can pledge himself, swore that he would establish a deliberative assembly submit all measures to public discussion, and make intellect and learning the qualifications for office. On the removal of the Court to Yedo, now Tokio, the new government found itself face to face with an array of probably as difficult problems in statesmanship as it has ever fallen to the lot of any administration to deal with. And after all deductions for inevitable mistakes have been made, the result is one of which any nation might reasonably be proud. But patriotic vanity is prone to forget both the stimulus and the help derived from the unwelcome contact of the foreigner. A burning sense of the inferiority of Japan to the once despised barbarians has been the mainspring at once of most of the beneficial reforms and most of the dangerous mistakes made by the administration now in the tenth year of its tenure of power. Okubo's name is imperishably associated with the long list of reforms which have changed Japan from a conglomeration of feudal principalities into a compact state of the modern type, but it is also connected in a special manner with most of the great mistakes that have alienated the sympathies of large classes of the people from the bureaucratic machine which governs them. Of all Japanese statesmen he was the least distinctively Japanese. Something of a foreign strain, a strong dash of the European, was perceptible in his character, fitting him to be the conductor of foreign influences and the interpreter of foreign ideas to his colleagues in the cabinet. Resolute, daring and ambitious he fancied that new institutions could be created as quickly and as easily as the old had been destroyed. Hence his eagerness to anticipate in his own life time results which must be the gradual growth of several generations. As a statesmen he was unquestionably inferior to his great colleague Kido, who represents the purely national side of the Revolution as Okubo represents the foreign influences which latterly have shaped its course. As a politician his great defect was inability to estimate correctly the forces that opposed him. He forgot that, as he and his colleagues were gaining experience and assimilating new ideas, there were thousands of earnest and able minds throughout the nation undergoing the same process of development, and keeping pace with if not outstripping them in the race. The seminal ideas of liberty and personal rights have been sown broadcast among the people, and the popular party only waits for the appearance of competent leaders to manifest its strength. The broad question at issue between this party and the men now in power is whether the people are to have a voice in the work of civilizing themselves, or whether everything is to be done for them by a paternal government, whose means of ascertaining their feelings and their wants are palpably defective.

The weighty significance of Okubo's death consists then, it seems to us, in this, that it will put an end to the epoch of purely personal government and leave the field clear for the initiation of constitutional government, by party; a change for which, to the credit of Japan be it told, the nation is fairly ripe. That change and that alone will effectually remove the causes which produce such deliberate outrages as that which now wounds the selfrespect of the nation, and tarnishes its fame abroad.

Were it not that moral forces are in the main independent of the particular individuals who are moved by and transmit them, Japan might perhaps have reason to bewail as irreparable the loss of its three greatest men within a twelvemonth. Hardly a year ago, Kido, the finest intellect of the Revolution, passed away in the deserved enjoyment of the confidence of his sovereign, the regard of his colleagues in and out of office, and the unqualified admiration of every section of his countrymen. But a few months have passed since Saigo, the most magnanimous spirit amongst the band that laid anew the foundations of the empire, fell overwhelmed in a tempest of civil strife. And now Okubo, the most resolute will in that knot of councillors who have laboured to wrench the nation from its ancient moorings and launch it in the current of modern progress, has fallen by the daggers of assassins. But the country need not and does not despair. It has made immense strides in political development since the days, so short a time ago, when reverence for the Emperor and hatred of the barbarians summed up its highest aspirations. Fortunately for itself it has grown in intelligence sufficiently to know that its first want is no longer the ascendancy of iron-handed leaders but of

"The law
"That from Discussion's lips may fall,
"With life that, working strongly, binds,
"Set in all lights by many minds,
"To close the interests of all."

No 807.

Enclosure 3.

Copy.

To The late Okubo Toshimichi,
Senior Officer of the Third
Rank, with the First Class
Order of Merit, Councilor
of State and Minister of
the Interior.

Having devoted yourself to the
Empire with patriotic zeal, and
having served the Sovereign with
loyal faith, you originated and
carried out the great measures
which resulted in the restoration.
Moreover, by your impeccable
integrity and unremitting
zeal you have accomplished

invaluable services abroad,
while by your intelligent judg-
ment you have accomplished
equal achievements at home.
You were indeed our most
valued and trusted servant.
In your untimely death we
have, therefore, suffered the
most mournful bereavement.
In token of our respect we
do hereby confer upon you
the title of Udaijin with the
rank of Shoni-i and also
present you with Five thousand
yen.

[The Emperor's Seal]

The 15th of the 5th Month.

Ack - copy to Treas'y Dept
C. P.

No 808.

Copy to Treasury July 17 Mr. Polk



United States Legation,

Japan,

Tokei, June 6, 1878.

Mr Bingham

to the

Hon. Secretary of State.

Subject.

Enclosing translations of proclamations making the Japanese silver trade yen (420 grains) legal tender for all purposes, and also enclosing certain comments by the Japan Times upon the same, wherein the editor declares that the British dollar will drive out the Japanese yen and Mexican dollar from China at last.

Enclosures.

Enclosures.

1. Two proclamations of Sanjo. (Extract from the Japan Times, June 1, 1878.)
2. Extract from Japan Times, June 1.

No 808.

United States Legation,
Japan,
Tokei, June 6, 1878.

Hon. William M. Evarts,
Secretary of State,
Washington D.C.

Sir:

This Government on the 27th ultimo issued additional coinage regulations, declaring that the silver trade dollar of 420 grains authorized by the regulations of 1878 shall hereafter be free to circulate generally and shall be used in paying taxes and in all business transactions public and private and shall

also

also be legal tender to any
amount.

I have the honor to enclose
herewith translations of the
1/808 several notifications on the
subject as issued by His
Excellency Sanjo Sanetomi, His
Imperial Majesty's Prime
Minister.

I note and enclose herewith
an article on this subject which
2/808 appeared with the notifications
in the Japan Times of the
1st instant, in which, among
other things, the English editor
predicts that the British dollar
will push out of China, at
least, the Mexican dollar and
the Japanese yen. This is the

same

same editor who issued the article transmitted with my No 766, in which he claimed that the Treaty Powers were entitled to demand of Japan guarantees when restoring "her Imperial "right of coinage" by treaty revision. It seems that Japan paid no heed to the editor's proclamation of last March that "the Japanese trade dollar "must be abolished", and has ordered this extended coinage without waiting for "the restoration of her Imperial right "of coinage" by treaty revision and the favor of the Treaty Powers, as, in my opinion, she had the right to do.

I have the honor to be, Sir, Your obt servant,

Jno A. Bingham

No 808. Enclosure 1.

Extract from the Japan Times, June 1, 1878.

THE FINANCE NOTIFICATIONS.

THE following important Notifications respecting the Trade Dollar, and revising certain of the Coinage Regulations, were issued in Tôkiô on the 27th inst. :—

NOTIFICATION No. 12 by the *Daijokuwan*.

"It is hereby notified that the Silver Trade Dollars, "which have hitherto been coined for the convenience of "trade in all the open ports, but which have hitherto only "been circulated within the limits of those ports, shall "hereafter be free to circulate generally, and may therefore "be used in paying taxes and in all business transactions, "either public or private."

(signed) SANJO SANETOSHI,
Daijôdaijin (Prime Minister.)

NOTIFICATION No. 13 by the *Daijokuwan*.

"It is hereby notified that :—Silver Trade Dollars hav- "ing, by Notification No. 12, been authorised to circulate "generally ;—the Coinage Regulations notified in NOTIFI- "CATION No. 108, the 6th month of the 8th year of Meiji "(June 1878) have been revised as under. The limit of "circulation of the coin is enlarged; the charges for coining, "and the limit of bullion received for coinage, are de- "creased ; and the period shortened between receipt of the "bullion and delivery of the coin. That is to say, in the "Coinage Regulations, the undermentioned changes are "made :—in the 5th clause of Notification 108 ; in the Note "to Art. 4 of the Coinage Rules and in Articles 9, 11, and "13 of the same."

(signed) SANJO SANETOSHI,
Daijôdaijin (Prime Minister.)

[Revisions mentioned above.]

5th CLAUSE of the Limit of circulation of coin is revised thus :—

"These Trade Dollars may be used in paying the Cus- "toms' duties and any other taxes paid by foreigners, and "in all business transactions between Japanese and for- "eigners ; also in payment of all taxes in the interior ; and "in all other payments, public or private, the same shall "be legal tender to any amount.

"In NOTE to ARTICLE 4 of the Coinage Regulations (re- "specting the fixed amount of silver bullion receivable by "the Mint for Coinage) :—

"For 'silver bullion will be received in quantities of "1,000 ounces' read 'in quantities of 500 ounces.'

"In ARTICLE 9 of the same (respecting the period to "elapse between receipt of bullion and delivery of coin :—

"For 'twentieth day' read 'tenth day.'

"In ARTICLE 11 of the same (respecting the charge for "coining :—

"For '1½ (one-and-a-half) per cent read 1 (one) per "cent.'

"In ARTICLE 13 of the same (respecting the charge for "re-coining :—

"For '10 (ten) per thousand'—read '5 (five) per thou- "sand.'"

No 808.

Enclosure 2.

Extract from the Japan Times, June 1, 1878.

We should hail these Notifications with pleasure, as steps towards the point at which we are anxious to see Japan arrive,—that of issue of coin for the China trade, as well as for her own—were the changes made in favour of the Japanese Silver *yen* of the same weight and fineness as the Mexican Dollar. But as an attempt to bring into circulation as coin the stamped ingots of silver which are called Trade Dollars, of 420 grains weight, we regret their publication. Our hope is as far as ever from fulfilment, and the expectations of the authors of the Notifications will not be attained. The Trade Dollars will continue to pass out of one set of melting pots only to go into another, foreign bullion will not be attracted to the Japanese Mint, the opportunity now offering in China for a successful attack upon the Mexican Dollar will be allowed to slip past unseized; the Mexican Dollar and the tyranny of the shroff will remain excrescences from our trade—or Hongkong will establish a Mint of her own—and then, not only will all hope of a profitable coinage business for Japan in the China trade be lost—but the British Dollar will push out the Mexican and push out the Japanese *yen* too. All the profit hereafter to be made, from subsidiary coinage for use in China will also, in that case, go to the Hongkong establishment, instead of to that at Osaka, and whatever bullion Japan may coin into Trade Dollars for her own use will continue to be drained out of the country as fast as they are produced and quietly sold back to her as bar silver to coin over again. Another outlet for them, which has evidently escaped the Finance Minister's observation, has just been provided in addition to those previously existing, by recent legislation in America. Is there no one in the Financial bureau of this country who can point out to his chief that it will pay foreign bankers to send Japan's trade dollars to the United States' Mints to be coined into the new silver currency just legalized there?

It will be remarked, also, that in these Notifications, no mention is made of gold coin. As the law stands at present, gold is a legal tender to any amount; and now the silver Trade Dollar is given equal currency. The Finance Minister appears bent on committing as many mistakes as he can. He oppresses this country with the evils of bi-metallism, at the same time that he orders the mintage of the wrong description of silver coin.

As matters of practice and fact, and of interest to the foreign trade, of course, these Notifications are valueless, because trade will be carried on as before, with the Mexican Dollar and the paper currency as the *media* of exchange. Foreigners will certainly not send in bullion to be coined into Trade 'dollars' and what little bullion Government has

to coin, gold or silver, will be drained away as before by the Mexican. It is vexatious to friends of the country and well-wishers of her Government, to see an opportunity like this lost, and a wrong course taken, in direct opposition to the advice of experts, to the teaching of experience, and to common-sense. But we abandon the subject in despair, and the only questions relative to it which retain for us a spark of interest are:—'Who are the Finance Minister's advisers? By what arguments have they induced him to the step he has taken? And how will he justify it to his colleagues in the Government when its failure is apparent?' More than ever, perhaps, are now felt the deficiencies of the native press. We find in it as yet neither attack nor defence of the Notifications: the subject appears to be beyond the grasp of native journalists. And regrettable, too, is the unwisdom which killed in its birth what might have grown into a most useful means of education: a combined alien and native journalism. Did newspapers now exist, conducted by foreign and native Editors in partnership, this most important question of the currency might have been fully argued out on both sides and in both languages. The Finance Minister then, with *all* the arguments before him in clear light, could hardly have failed to arrive at a right decision. It would not have been that which we have now to condemn.

Mr Adee

No 809.



United States Legation,
Japan,
Tokei, June 15, 1878.

Mr Bingham
to the
Hon. Secretary of State.

Subject.

Acknowledgment of the receipt of Instruction No 351 and of a copy of the Official Register, 1877.

No 809.

United States Legation,
Japan,
Tokei, June 15, 1878.

Hon. William M. Evarts,
Secretary of State,
Washington, D.C.

Sir:

I have the honor to acknowledge the receipt of a copy of the United States Official Register for 1877, for which I beg leave to tender my thanks.

I am also in receipt of Instruction No 351.

I have the honor to be, Sir,
Your obedient servant,
Jno. A. Bingham

Note. with request that thanks be conveyed to Mr. N. Moriyama C. P.

So advd. July 20. Mr Adee

No. 810.

United States Legation

Japan,

Tokei, June 15th 1878.

RECEIVED DEPARTMENT OF STATE JUL 17 1878

Mr. Bingham

to the

Hon. Secretary of State.

Subject.

The transmission of a historical and illustrated memorial of the arts and industries of Japan, part I. treating of the castles of Japan, and especially the castle of Yedo.

No. 810.

United States Legation,
Japan
Tokei, June 15, 1878.

Hon. William M. Evarts
Secretary of State,
Washington D. C.

Sir:

Herewith I have the honor to transmit a historical and illustrated memorial of the arts and industries of Japan by Mr. Ninagawa Noritane a native of Japan who has requested that it be sent to our government.

This part of his work treats of the castles of Japan and especially of the Castle of

of Yedo completed some three centuries ago. This fortress enclosed by cyclopean walls from thirty to sixty feet in height, and also by a moat of from one hundred to two hundred feet in width and about eight feet in depth contains in its three divisions it is supposed about three thousand English acres. The water that supplies the moats of the fortress and also the artificial lakes, streams and cascades of its gardens is conducted from the Tamagawa river by flumes a distance of some twenty five miles as I am informed. The fortress with its appointments is a work of immense labor. I also enclose a translation of the text. I have the honor to be, Sir

2/4/10.

Your obedient Servant

M. A. Pruyn

Enclosure No. 2. with Despatch No. 810.

Kwan-ko-dzu-setsu.

A historical and illustrated account of the arts and industries of Japan.

By

Hiragawa Noritane.

Part 1st. The Castle of Yokio (Yedo)

5th month of 11th year of Meiji (April 1878).

Copy of letter dated Feb. 23d. 1871, forwarded to the Government in order to obtain permission to publish this book:

The condition of this country is greatly changed from what it was in ancient times. Castles & like structures are no longer of great use in warfare. Hence they are gradually falling into ruins, with no prospect of being re-erected or repaired. Hence it has appeared to the author of importance to take photographs of the walls, gates, &c while still standing, in order that the exact form may be preserved, that posterity may know the character of the preceding age. These consid-erations have led the author to ask,

as he now does, permission to publish such a book.

Respectfully submitted,

Feb. 1871.

Shinagawa Noritami

To the Honorable Government Officials.

Definitions and explanations.

The word "Castle" (Japanese, "Shiro") is said to be so called because plastered white (Jap. Shiroi) on the outside. It is also derived by some from "shiro," a command. A small castle is called a Kosho. Castles were, according to the "Setsumon", a work on antiquities, for the purpose of centralization, and for the protection of the people. The inside is the

Castle proper; the outside or outer wall is called the "Kuruwa" or inclosure. According to a work called the "Sanzaidzue" "the inmost inclosure is called "Honmaru," and the principal tower of this "Honmaru"; a tower which is usually five stories high is called "Tenshiu." On the corners are towers called commonly "Yagura" or arrow-towers. Between the corner-towers, (and on the castle walls) is a long building roofed over, and provided with many windows, or port-holes, called a "Chiboku, or, in consequence of its many openings is sometimes called a "Tamon." From these openings or windows arrows were discharged. The place within where the soldiers moved about was called "Bushabashiri."

According to the "Wajihajime," it appears from an ancient history of Japan that the place where the troops of Jimmu Tenno (the first of the Mikados) threw up fortifications was called "Hida" or castle field. This was probably the first castle built in Japan. The Hida here mentioned is located in the province of Yamato. It appears also from the "Nihonki" that in the 11th month of the 6th year of the reign of the Emperor Tenchi Tenno, he ordered castles to be built in the countries of Yamato, Sanuki, & Tsushima, to wit the castles of Takayasu, Yashima & Hamada. This was the first effort made to protect the country by means of castles.

The tower called "Tenshu" mentioned above, according to the "Wajihajime" is the high tower in the centre of the

castle

castle. It is sometimes three, sometimes five stories high.

Oda Nobunaga built the first of such towers in the fourth year of Tensho (A. D. 1574) when he built the castle of Adzuki in Goshu.

The corner towers called Yagura are buildings several stories high. Between their windows are holes for shooting arrows. According to the Setsumon they serve as large Shields. According to the Wajishajins it was said in the "Kojiki" (Ancient History of Japan) that "Hikohohodemi
" Tsumino Mikoto went to the temple of the
" Sea-god and saw the high castle, high
" houses and glittering towers". This was the beginning of such towers.

As to the part of the castle called "Gamon," according to the "Wajishajins"

it resembles an ordinary long low dwelling house. Matsunaga Jasho Hisahide (A. D. 1440–1470) built a castle with such a "Jamon", or many windowed long house on the wall, at Himon, Yamato. Other builders of castles afterwards imitated his example.. According to the "Sansaidzue" the Jamon is a fence on top of the castle walls, painted white and provided with openings or windows for looking out and shooting arrows. Such walls or fences according to the "Kojiki" quoted in the Wajihajime were first made by Ashinatsuchi Jinatsuki at the order of Sasanome Mikoto.

Jimmu Tenno, according to the Nihonki was called, while living, Kamiyamato Iwaware hikone Mikoto.

castle. It is sometimes three, sometimes five stories high.

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Jimmu Tenno, according to the Nihonki was called, while living, Kamiyamato Iwarehikono Mikoto.

His name after death was Hikohoho Demi. He was the fourth son of Hikonagisatake Ukayabu Kiawaseszuno Mikoto. His mother was the Empress Tamayori Hime. He was naturally very intelligent and vigorous. He was made a "Taishi" (prince apparent) when fifteen years old. When he grew up he married Airatsu Hime of the Town of Wada in Kuga. In the 10th month of his forty fifth year he invaded the East of Japan by sea, and established his court at Kashiwabara in Yamato six years later; and eight years later, in the spring was made Emperor at Kashiwabara. From this year Japanese chronology is reckoned. Four years later still all his enemies were subdued; and seventy six years later he died in his

palace at Kashiwabara, aged one hundred and twenty seven, and was buried in the ninth month of the next year in the cemetery in the North East of Hisobazan.

Jimmu Tenno became Emperor two thousand five hundred and thirty eight years ago.

Iruchi Tenno mentioned above was according to the "Nihonki" the son of Jomei Tenno. His mother's name was Gokiyoku Tenno. He removed the court to Nagatsuno Miya. In the second month of his third year, he readjusted the ranks of the government officers, doubling the number, making twenty six ranks in all. In the third month of his sixth year he removed the capital to the province of Omi where he died in the twelfth month

of the tenth year of his reign, aged forty six; and was buried in the cemetery of Yamashina in the province of Yamashiro.

Nobunaga in 1574 built the castle of Adzuchi. In 1575 he became Naidaijin (private counselor). The next year he became an officer of the second rank. He died on the second day of the sixth month of the tenth year of Tensho (A.D. 1580) aged forty nine, and was buried on the fifteenth of the tenth month in the temple of Murasakano (Daitokuji Kioto.

Some maintain that "Tenshu" the name of the central tower mentioned above originated in the manner following: For the time of Nobunaga, the Portuguese first came to Japan & introduced the Christian religion (the religion of "Tenshu" the Lord of Heaven.)

Nobunaga embraced this religion and is said to have conducted the worship of the God of the Christians in the main central tower of his castle of Adzuchi. But the name "Tenshu" or Lord of Heaven afterwards fell into disfavor and on that account it (the word "Tenshu") was made to signify a high watchtower.

Nobunaga was the first to erect such towers for protection in time of war. Other princes built the same kind of towers following his example so far, but no others practiced the worship of the Lord of Heaven in them: but still they all continued to be called "Tenshu".

Matsunaga was the first to build a "Tamon" (the long white fence or long house plastered white and provided with many windows

built between the towers and on the castle walls.) They were found to be very useful, hence many imitated his example. His Matsunaga according to the Yamato Meishozu, took refuge, in the cycle of Tensho, (A.D. 1573-92) in an old castle, built on the top of Shiki Mountain by a soldier named Yoshi-Kawa Kizo, the remains of which are still to be seen. According to the "Chajin Keiju," Matsunaga was a native of the province of Awa. He yielded to Nobunaga and by him was made the Lord of the Castles of Shiki & Tamon. He at last rebelled against Nobunaga & assassinated his oldest son and finally put an end to his own life in the tenth month of the fifth year of Tensho (A.D. 1577.)

(In both of the following maps important places are marked with Japanese letters. These letters or marks will enable the reader to find any given place with certainty and facility. For this reason and to avoid blurring the map by inserting English letters with the pen, the characters or marks on the maps are given below, by observing which the reader may identify places of interest. Translator)

一. "Tenshu" dai or central tower

二. Yudzu no Heimon or Gate of Yudzuki.

三. Drawbridge of Nishi no Hagibashi.

四. Nishi no Hagi Bridge.

五. Yumiya Yagura or tower of Yumiya

六. Old Treasury buildings.

七. Two storied tower of Sanni.

八. Iwaki Yamon.

九. Gate of the North Hagibashi. (Bridge.)
十. Remains of a corner tower.
十一. Ginnoto Storehouse.
十二. Gate of Hasui Mebyashi.
十三. Remains of a corner tower.
十四. Gate of Shimo Mebyashi.
十五. Gate of Matsubara.
十六. Gate of Hirakawa.
十七. Remains of the third wall.
十八. Eastern three storied tower.
十九. Remains of the second wall.
廿. Three storied tower of Tatsumi.
廿一. Remains of the Shiwosu Gate.
廿二. Three storied tower of Daidokoromai in ruins.
廿三. Copper Gate.
廿四. Gego Gate.
廿五. Hyakunin Banshio, Guard house
廿六. Two storied tower of Hyakunin.
廿七. Naka Shirigate.

二十八. Inner wall or inclosure in ruins.

二十九. Yard in the Honmaru, or first inclosure

三十. Two storied tower of Sukiya.

三十一. Storehouse of Fujima.

三十二. Remains of Shoin Gate.

三十三. Two storied tower of Shoin.

三十四. Jubako Tower.

三十五. Two storied tower of Terazawa.

三十六. Two storied tower of Fujimi.

三十七. Hasuike Gate.

三十八. Three storied tower of Tatsumi.

三十九. Two storied tower of Hasuike.

四十. Hanaguri Iwaki.

四十一. Gate of Momiji Yamashita.

四十二. Momiji Yama (Maple Hill.)

四十三. Gate of Sakashita.

四十四. West Inclosure, or Nishi Maru.

四十五. Two storied tower of Shoin.

四十六. Gate of Shoin.

四七 Gate of Nakagikiri.
四八. Gate of Otr in the rest inclosure.
四九. Yamazato Library.
五十. Tukiage Gate.
五一. Yamazato Iri.
五二. Garden of Tukiage.
五三. Gate of Kanzo.
五四. Gate of Sayasu.
五五. Gate of Shimidzu.
五六. Gate of Takebashi.
五七. Gate of Hijibashi.
五八. Gate of Stotsubashi
五九. Gate of Kanda Bridge.
六十. Front Gate of Honmaru. First inclosure.
六一. Two storied tower of Sakurada.
六二. Wadgura Gate.
六三. Gate of Babasaki.
六四. Gate of Hibiya
六五. Gate of Sakurada (outside)

六十六. Gate of Tokiwabashi.

六十七. Gate of Gofukubridge.

The following places to be found on the 2d map.

六十八. Gate of Hajibashi.

六十九. Gate of Tsukiyabashi.

七十. Gate of Yamashita.

七十一. Gate of Saiwaibashi.

七十二. New Bridge.

七十三 Toranomon or Tiger Gate.

七十四. Gate of Akasaka.

七十五. Kuichigai (Cross-roads.)

七十六. Gate of Yotsuya.

七十七. Gate of Ichigaiya.

七十八 Gate of Ushigome.

七十九. Gate of Koishikawa.

八十 Suido Bridge.

八十一 Shohei Bridge.

八十二 Gate of Sujikai

八十三. Gate of Asakusa.

The ground for the castle of Yedo was
first selected and laid out by
Otasei Nobu Mochisuge a relation
of Uesugi Jirisodaibo Sadamasa.
Governor of Kamakura in the reign
of the Emperor Gohanazono (A.D. 1429-6
On the 8th day of the 4th month of the 1st year
of Choroku (1457) he (Otasei Nobu Mochisuge)
completed his castle in which he resided.
After his assassination in the 18th year
of Bunmei (A.D. 1484) the children of
Sadamasa (the governor of Kamakura)
successively resided there. It was
captured in the 4th year of Ta-e (A.D. 152
by Hojo Ujisuna who enlarged and
repaired it and made it the residence
of his retainers Tomiaga Shinshiro,
Toyama Shirozaimon and others.
It belonged to the family of Hojo Ujisuna

for about sixty years, till the time of Ujinao. In the 4th month of the 18th year of Tensho (A.D. 1591) the family of Hojo Ujisuna was overthrown and from that time the castle was held by the Tokugawa family or Shoguns of whom Ieyasu was the first. In the cycle of Keicho (A.D. 1596-1615.) it was greatly enlarged and assumed its present form. For particulars see the book called the History of Musashi (name of the province in which Yedo is situated) and the Illustrated History of Yedo.

No. 1. (Of the photographs.)

In front the ruins of the "Tamon" of the inner inclosure. On the right the ruins of the "Tenshu" or principal tower, to the left of which appears the roof of the two storied tower of Tsumi; in front

and to the left of which are seen the roofs of the garden gate, the guard house, Uzuki Gate, and the trees of Fukiage Garden.

No. 2.

In front the ruins of the three storied [illegible] of the inner inclosure; in the rear the roof of the gate of Kamimmi; old store house in the extreme left.

No. 3.

In front the ground or yard of the second inclosure with the Okuno Jamon and Hirakawa Gate in the background and Matsubara Gate on the left.

No. 4.

The roof in front is that of a guard house within the Copper Gate of the second inclosure. The level ground beyond is the site of the second inclosure.

The roof of the Eastern three storied tower appears on the extreme right. To the left is a small temple or Shrine, and the gate of Shinkeu or New Bridge; and the wall of the second inclosure is still further to the left

No. 5.

Roof of Copper Gate in front, so called because the pillars are covered with copper. In the background appear a part of the second inclosure and the roofs of the tower Tatsumi & the eastern three storied tower

No. 6.

In front the roof of the Copper Gate. In the background to the right the roof of Hyakunin Gate with Ote Gate and a guard house in the distance.

No. 7.

First roof that of the Tamon of the inner

inclosure; second roof that of Hyakunin Guard house; third that of Hyakunin "Jamon;" fourth that of Hyakunin Tower.

No. 8.

Ruins of the Jamon of the inner inclosure in front, with a small guard house and the roof of Central Gate behind, & Terasawa Gate to the right in the distance.

No. 9.

Ground of the Honmaru or inner inclosure. The buildings beyond in the background are, on the right hand, a guard house, the two storied tower of Shoin, and Fujimi Tower; and on the left hand Jubako Tower and Tatsumi Tower in the distance.

No. 10.

Area of the inner inclosure in front. Tsukiya Tower to the right in the background.

No. 11.

Old garden grounds in the inner inclosure with the trees of Murasakiiha Gardens beyond the wall in the back ground.

No. 12.

Ground of the inner inclosure in front with the trees of Fukiage garden in the back ground.

No. 13.

A guard house on the west side of the foundation of "Tenshudo," (central tower.)

No. 14.

Area of the inner inclosure and ruins of "Tenshudo" (central tower.)

No. 15.

Place for hitching horses near "Tenshudo"

No. 16.

Guard house in front with the gate of the second inclosure (Ninomaruno Gate) behind.

No. 17.

Ruins of the Shiromi Tower and gate on

the wall of the Honmaru (inner inclosure)

No. 18.

Part of the inner inclosure in front with a two storied tower called Shoin, a Jamon & Jubako Tower in the background.

No. 19.

Tower of Tsukiya on the right and Fujimi Storehouse on the left.

No. 20.

A road from Murasakiba hill to Yarai Gate with the Tower of Hasuike on the left in the distance and the Tower of Tsukimi near the foreground.

No. 21.

Guard house on the right and a gate near Kitazumi bridge on the left.

No. 22.

Yuzuki Jamon on the right in front with Yatsumi Tower and the trees

of Tukiage Garden in the distance.

No. 23.

Guard house to the west of "Tenshudo" on the right, with old Store-house in the centre & Tatsumi Tower on the left.

No. 24.

Kitazumi wall on the right and Kitazumi Gate on the left.

No. 25.

Tsuri Tower on the right with Kitazumi Bridge in the distance.

No. 26.

Garden of the second inclosure.

No. 27.

Shimonoki Gate on the right & guard house in the centre.

No. 28.

Carpenter's shop on the right. Okuno Tamon of second inclosure with

the wall of the Honmaru (inner inclosure)

No. 18.

Part of the inner inclosure in front with a two storied tower called Shoin, a Jamon & Jubako Tower in the background.

No. 19.

Tower of Tsukiya on the right and Fujimi Storehouse on the left.

No. 20.

A road from Murasakiba hill to Yarai Gate with the Tower of Hasuike on the left in the distance and the Tower of Tsuki-i near the foreground.

No. 21.

Guard house on the right and a gate near Kikazumi bridge on the left.

No. 22.

Yuzuki Jamon on the right in front with Tatsumi Tower and the trees

of Tukiage garden in the distance.

No. 23.

Guard house to the west of "Tenshudo" on the right, with old store-house in the centre & Tatsumi Tower on the left.

No. 24.

Kitazumi wall on the right and Kitazumi Gate on the left.

No. 25.

Sumi Tower on the right with Kitazumi Gate

agi Bridge in the distance.

No. 26.

Garden of the second inclosure.

No. 27.

Shimonoki Gate on the right & guard house in the centre.

No. 28.

Carpenter's shop on the right. Okuru Jamon of second inclosure with

Higashi Sanju Tower on the left
and Shinbashi Bridge below.

No. 29.

The wood on the right is the third
inclosure, with the Eastern three
storied tower on the left towards the
centre of the picture and Tatsumi
Sanju Tower on the extreme left.

No. 30.

On the right a guard house then
Ogo Gate to the left & Hyakunin Gate.

No. 31.

Nakano Walari Gate, Jubako Tower
and a wall ("Tamon").

No. 32.

Tomomachi Dokoro (waiting place)
Irrazawa Tower & Hyakunin Tamon.
and a guard house below.

No. 33.

Paymaster's Office, Tamon to the right and left & the eastern Tower of Terazawa Gate.

No 34.

Guard House near Hasuike, Tatsumi Tower & waiting place (for retainers) beyond.

No. 35.

Hasuike Gate on the right, and Tatsumi Tower.

No. 36.

Gate below Momiji Yama (Maple-hill).

No. 37.

Takashita no Watari Gate and Tatsumi Tower on the wall beyond.

No. 38.

Hyakunin Tower, Terazawa Tower and Tatsumi Tower, and Sakurada Gate.

No. 39.

Hasuike Gate, Terazawa Tower, Fujimi Tower & Hanaguri Inadi.

No. 40.

No. 40. Jukiage Gate.

" 41. Shoin Gate, wall, & Shoin Tower.

" 42. Guard house & roof of Nakashikiri Gate.

43. Shoin Gate & wall on the left & Tower.
and Ote Gate on the left.

44. Ote Gate of West inclosure.

45. Waiting place for retainers. Hasuike
Tower and Sukiya Tower.

" 46. Wadagura Gate and guard house.

" 47. Hibiya Mitsuke Gate and guard house.

" 48. Wall opposite Sotosakura Gate.

" 49. Sotosakura Gate and Sankaku bank

" 50. Ruins of Hanzo Gate.

" 51. Jayasu Gate.

" 52. Shinmidzu Gate.

" 53. Hirahara Gate and Kijibashi Gate.

" 54. Wall and Tatsbashi Gate.

" 55. Hitotsubashi Gate and guard house.

" 56. Hitotsubashi Gate (outside.)

Hitotsubashi Gate & Guard house.
Hitotsubashi Gate (outside).
Kanda-bashi Gate, & tea house.
Gofukubashi Gate. & guard house.
Tokiwabashi Gate.
Gofuku Gate.
Kaji bashi Gate.
Tsukiyabashi Gate.
Saiwai bashi Gate.
Yamashita Gate.
Tora no Mon. (Gate of the Tiger.)
Yotsuya Gate.
Ichigaya Gate.
Ushigome Gate.
Koishikawa Gate.
~~Aqua~~ Seido Bridge.
Shobei Bridge.
Sajikai Bridge & Gate.
Asakusa Gate.

Recapitulation.

Number of towers, nineteen.

" " Gates, twenty nine

" " wells, thirty thre

Area of inner inclosure 28,680. tsubo*

" covered by buildings 12097. "

" " " walls &c. 5,377. "

" of west inclosure. 13,205. "

" covered by buildings. 4,972 "

" " " walls &c. 384 "

" of gardens &c 5,646 "

Ninagawa Noritane, April 1878.

* A tsubo is equal to thirty six square f
English measure.

To be deposited in the Library of the U. S. Government.

Ack with thanks for donor
C. P.

Co. ack'd July 20.
Mr. Adee

No. 811.

United States Legation.
Japan
Tokei, June 15th 1878.

DEPARTMENT OF STATE
JUL 17 1878
RECEIVED

Mr. Bingham
to the
Hon. Secretary of State.

Subject
The transmission of an illustrated volume of art productions of Japan.

No. 811.

United States Legation
Japan,
Yokei, June 15, 1878.

Hon William M. Evarts,
Secretary of State,
Washington D. C.

Sir:

His Excellency Mr. Ito. His Imperial Japanese Majesty's Minister of the Home Department has been pleased to send to me an illustrated volume of certain art productions of Japan which formed part of the exhibits in the late exposition of this Empire.

I transmit the volume to the Department not doubting

that it will be found of interest.

I have the honor to be

Sir,

Your obedient servant

Mo. A. Bingham

Acke & informs Mr Bingham of the action heretofore taken in the matter. C. P. Mr Adee

answered July 22 & Mr Bingham informed.

No. 812.

United States Legation.

Japan,

Tokei, June 17, 1878

DEPARTMENT OF STATE
JUL
17
1878
RECEIVED

Mr. Bingham

to the

Hon. Secretary of State.

Subject

Requests to have the gifts tendered to Captain Gaimmell by the Japanese Government delivered free of duty.

No. 812.

United States Legation
Japan,
Tokei, June 17, 1878

Hon. William M. Evarts
Secretary of State
Washington D. C.

Sir:

Referring to my No. 714 of date the 17th of January last in relation to certain gifts from His Imperial Japanese Majesty's Government to Captain Gammell commanding the "Ocean Pearl" in recognition of his services in rescuing upon the high seas the crew of a Japanese vessel when the same was

foundering, I now beg leave to
acquaint you that having
received a letter from Captain
Grinnell expressing his grateful
acceptance of the gifts tendered
to him by this government
and requesting me to forward
the same to San Francisco I
accordingly forwarded them
as requested, and am now
in receipt of a letter from
Captain Grinnell (a copy of
1/8/12. which letter I have the honor to
enclose) informing me that
the gifts forwarded by me per
Steamer "Gaelic" arrived in San
Francisco May 8th and were
taken possession of by Mr Shannon
the United States Collector of the

port who holds them waiting instructions "to deliver them free of duty." Captain Grinnell also informs me that he has transmitted to you an application enclosing a copy of my letter and that of Vice Consul General Denison requesting you to arrange with the Secretary of the Treasury for the delivery of the gifts free of duty. Captain Grinnell you will observe requests me in his letter of the 17th of May to make such representations to you "as will insure the delivery of the said two cases" so tendered him by this government.

As Captain Grinnell is not in my opinion a person "holding an office of profit or trust" under the

United States nor within the prohibition of the eighth paragraph of the ninth section and first Article of the Constitution, I see no objection to his acceptance of the testimonials offered to him by this government in recognition of his services in saving the lives of twelve persons, subjects of this Empire. If our laws forbid the delivery of such testimonials tendered by a foreign power to an unofficial citizen of the United States without first paying duty thereon I respectfully suggest that our laws in that behalf should be so amended as to permit all testimonials forwarded by any foreign power to unofficial citizens of the United States for humane service

lawfully rendered upon the seas in the rescue of persons from imminent peril and great distress may be delivered by our customs officials when transmitted, &c. of duty.

If the gifts offered by this Government to Captain Greinnell cannot be delivered to him until he shall first pay duties thereon I fear that he cannot receive them without a sacrifice which he can ill afford, and that possibly he will thereby be constrained by reason of his inability to pay the duties (which in no event can exceed $300 ~~00~~) to surrender the gifts of this government so gratefully tendered to him and so honorably earned by him, and that it may result that the gifts will be sold to pay the duties

and charges demanded by our government.
From my present information no
other government exacts duties under
like circumstances.

Permit me to say that I do not doubt that
you will be pleased to take measures
to enable Captain Grinnell to receive
free of duty the gifts offered to him
by His Imperial Japanese Majesty's
Government and thereby save His
Majesty's Government from the
humiliation of an enforced rejection
of its testimonial to a deserving citizen
of the United States.

I have the honor to be
Sir,
Your obedient servant.
Wm. A. Knight

Enclosure No. 1 in despatch No. 812.

Copy.

Custom House
San Francisco
May 17, 1878.

To the
Hon. Jno. A. Bingham,
Sir:

Your letter transmitting to me two cases containing two vases and one gold lacquered cabinet together with bill of lading for the same has been received by Str. Gaelic arrived May 8th 1878. The two cases arrived at the same time and were taken possession of by the Collector of this Port Ma. Thos. B. Shannon until instructions shall arrive authorising him to deliver

them free of duty.

I have applied by letter to the Hon. Wm M. Evarts Secretary of State and forwarded him your letter together with those of Vice Consul H. N. Dennison in relation to the matter requesting him to arrange with the Secretary of the Treasury for the delivery of the said two cases free of duty.

I presume the letters from you to myself together with my application will be sufficient to accomplish this object. If in your judgement this is not sufficient I have to ask as a favor that you will add to the obligation I am already under to you and make such representations at Washington as will insure the

delivery of the said two cases.

As soon as I can represent that the presents are in my possession I will write you and express my thanks to the Japanese Government.

I remain

Yours respectfully,

Capt. Julius Grinnell.

No. 813.

R Berdan

United States Legation
Japan
Tokei, June 17th 1878.

DEPARTMENT OF STATE
JUL 17 1878
RECEIVED

Mr. Bingham
to the
Hon. Secretary of State.

Subject.

The visitation of the "Courier" by the officer of the British man of war "Audacious" in the port of Nagasaki.

Mr. Bingham encloses the further and final correspondence on the subject with the British Minister and the copies of the letter to Sir Harry Parkes of Rear Admiral Hillyar Commanding the

"Audacious" and also of Lieut. Pike the visiting officer.

Mr. Bingham calls attention to Admiral Hillyar's statement that the visitation was not by authority of Her Majesty's Government and "was done entirely by the Vice Admiral's order." He also notes that the Admiral denies the material facts stated by Captain Clarke and that Sir Harry Parkes assuming them to be true attempted to justify or excuse what was said and done by the visiting officer as sworn to by Captain Clarke.

No. 813.

United States Legation
Japan
Tokei, June 17, 1878.

Hon William M. Evarts
Secretary of State
Washington D. C.

Sir:

Referring to my No. 794 of date the 15th ultimo in relation to the visitation on the 12th of April last of the American merchant vessel "Courier" in the port of Nagasaki by an officer of Her Britanic Majesty's war vessel "Audacious" I have the honor to further acquaint you that Sir Harry S. Parkes has officially

informed me that the facts reported to me by Captain Clarke in the matter of the visitation of the "Courier" and especially set forth in the affidavit of Captain Clarke which I inclosed with my No. 794. are substantially denied by Her Majesty's Commander in Chief Vice Admiral Hellyar Commanding the "Audacious" by the statement of his letter to Sir Henry that the facts stated by Captain Clarke are correct only "in so
" far as the boarding "officer having
" presented my (the Vice Admirals')
" compliments to him and enquired
" for what port he was loading remark
" ing that in consequence of the irreg=
" ular mail communications with
" various ports it would be convenient

to one (the Vice Admiral) in that particular should she be bound for any port where I (the Vice Admiral) had vessels with which I (the Vice Admiral) wished to communicate."

This qualified denial of Captain Clarke's sworn statement by the Vice Admiral is supported by two letters of Lieut Pike of Her Britannic Majesty's Navy, he being the officer of the "Audacious" who visited the "Courier." It is not needful in my opinion to decide at present whether this denial of the Vice Admiral who manifestly knows nothing (save by hearsay) of what was said by the boarding officer upon the occasion of the visitation of the

Courier, or whether the mere statement of Lieut. Pike shall be considered sufficient to set aside the sworn statement of Captain Clarke which I enclosed with my No. 794. I beg leave further to remark that doubtless out of abundant caution the Vice Admiral in his letter of the 30th of May hereinafter referred to and a copy of which is enclosed, expresses his surprise that I should have entertained such an unfavorable opinion of this case and that the "simple boarding of the "Courier" by "my (the Vice Admirals') orders with "a civil question to the Captain with "my (the Vice Admirals') compliments as "to his destination which as I (the Vice "Admiral) have before stated he (Capt.

(Clarke) had the perfect right to answer or not as he pleased could be construed by His Excellency (the American Minister) into an inquisition made under cover of the guns of the "Audacious" and an unprecedented proceeding without color of right".

After all this denial & expression of surprise &c. I may be allowed to suggest that there was no occasion for so many words and for the assumption of such an air of injured innocence by the Vice Admiral when my only purpose as my letters to Sir Harry S. Parkes clearly showed was to enquire of His Excellency whether the "visitation" of the "Courier" as sworn to by Captain Clarke was not without the authority or sanction of Her Britannic Majesty's Government: and that this enquiry

was made by me of Her Britannic Majesty's Minister "in no unfriendly spirit" as stated in my letter to His Excellency of the 15th of May. a copy of which was in possession of the Vice Admiral. Thus disposing of the denials and also of the gratuitous and uncalled for expressions of surprise and condemnation contained in the Vice Admirals' letter of the 30th ult. to Sir Harry it seems to me but just to say that the Vice Admiral and Lieut. Pike in their respective letters, copies of which are here with substantially deny the following statements of Captain Clarke as sworn to by him, (the original of which affidavit I enclosed in my No 794.) to wit; "that the visiting officer (Lieut. Pike enquired as to the nature of the Governor's cargo", also "as to whether it was

customary to take coal to that port"
(Valadivastock) and he also "spoke of the
"Steamer ("Courier") flying the American
"flag while her name was on the stern
"in Russian characters asking at the
"same time if she (the "Courier") was American
"property".

It is some satisfaction after Sir Harry
Parkes's attempt in his letter to me of date
the 16th ultimo (a copy of which is herewith)
to justify or excuse all that was said by the
visiting officer, assuming as he did that Captain
Clarke's sworn statement was true, to be
informed by Sir Harry that all this is
denied by the Vice Admiral & Lieut.
Pike thereby implying that any such
inquisition as stated by Captain Clarke
was inexcusable and unwarranted,
and still more satisfactory is it to

be informed by the Vice Admiral in his letter of the 30th of May to Sir Harry that "the boarding of the "Courier" was "not done by any special authority of "Her Majesty's Government, but entirely "by any (the Vice Admirals') own order".

In reply to Sir Harry's despatch of the 6th inst enclosing the letters of Vice Admiral Welby and Lieut Pike copies of which despatch of Sir Harry & its enclosures are herewith, I addressed to Her Majesty's Minister a despatch on the 11th inst. in which I pointed out the denials of Captain Clarkes sworn statements as made by the Vice Admiral & Lieut. Pike, and also said that "believing as I do that the Vice Admirals' statement (as quoted by me) "correctly sets forth all "that the Vice Admiral authorised the

" the boarding officer to do in the premises
" and all that the Vice Admiral approves
" of what was said or done" by the visiting
" officer (Lieut. Pike,) on board the "Courier"
" I cheerfully agree that there is no cause
" for complaint on account of what the
" Vice Admiral authorised as above stated"
I also added that all that I had said of
the "visitation of the Courier" was upon the
assumption that Captain Clarke's state-
ments verified by his oath were true,
but now that these statements were
substantially denied by the Vice
Admiral and Lieut Pike, and being
assured by His Excellency that the
" transaction if as represented by Captain
" Clarke was without the authority of
" Her Majesty's Government and is
" disclaimed by the Vice Admiral"

it only remained for me to tender my thanks for the prompt attention which His Excellency had been pleased to give to the matter of my enquiry and to state that Mr. Mang had not reported to me any such opinion of the transaction as it appears he communicated to the Vice Admiral as shown by the Vice Admiral's letter of the 30 of May.

I have the honor to enclose a copy of my reply of the 11th inst. above referred to.

Were I had reason to hope the long contention would stop, but it seemed proper to the British Minister to argue which he did in a despatch of the 12th inst a copy of which is herewith

You will observe that Sir Harry

in this rejoinder, encouraged doubtless by the denials of the Vice Admiral and Lieut Pike, is moved to say that he "cannot do otherwise than adhere to the opinion I "(he) expressed in my (his) letter to you "(me) of the 16th ult. that the evidence of "Captain Clarke does not justify the "unfavorable construction which you "(I) placed upon the Admirals' proceedings "or the language in which you (I) expressed "your opinion of the same."

If there had been less of the pretension of Sir Oracle in Sir Harry's letter of the 12th instant I should have allowed his attempt to shift the issue and to assail me for venturing to enquire as was my duty about a matter which as reported to me touched somewhat the honor and challenged the rights of our flag

in these waters to pass without special notice as sufficient denial and disclaimer in the premises had already been made through him by the Vice Admiral. But being of opinion that Sir Harry's despatch was as inexcusable as was also the action of Lieut. Pike as reported on oath by Captain Clarke, I thought it due to myself and to my government to reply to Sir Harry and accordingly on the 13th inst. I addressed him a despatch (a copy of which is herewith) in which I expressed my appreciation of Sir Harry's somewhat extraordinary opinion as therein expressed by him, and also of his condemnation of one for exercising a like right of

of opinion reminding him that in all that I had said I assumed that Captain Clarke's statement was true and that His Excellency had also assumed in his dispatch to me of the 18th of May "that the facts of the case are those stated "by Captain Clarke."

I ventured also to suggest to Sir Harry upon the presumption that nations are equal before the law, that it was as clearly my right as it was his to assume in the absence of other evidence, that the sworn statements of Captain Clarke were true, and that it was also as clearly my right as it was his, in the absence of the Vice Admiral's denial & disclaimer to place a construction upon the facts stated by Captain Clarke and assumed

by His Excellency and by me to be true.

I concluded my despatch to Sir Harry you will observe by saying that his strictures upon my opinion of the visitation as expressed in my note of the 18th of May when read in connection with my note to him of the 11th inst. were without justification as was also his condemnation of the language in which I had expressed myself and added that I hoped His Excellency would agree with me upon reflection that at present there was no occasion for further correspondence between us on the subject.

I am glad to say that Sir Harry agreed with me in this conclusion as shown by his despatch that our correspondence should now close on this

subject which he says "had been continued much to his regret."

It must be patent to Sir Harry that the correspondence would not have been continued on my part beyond my note of the 10th of May if he had waited for a reply from the Vice Admiral and had answered at first as he did finally that the transaction as represented by Captain Clarke's affidavit was not approved or authorized by the Vice Admiral in so far as hereinbefore stated, and that the visitation was not authorized by Her Majesty's Government. Instead of so dealing with my enquiry the effort on the part of Sir Harry and I regret to say also to some extent on the part of the Vice Admiral

was to censure me for enquiring and Captain Clarke for bearing testimony concerning the transaction. Not the least remarkable of the shifts resorted to was to ask Mr. Mangum our Consul at Nagasaki to give his own opinion and Captain Clarkes opinion also of the facts after Mr. Mangum had taken and transmitted to me the sworn statement of Captain Clarke without any intimation in his letter to me that the affidavit was to be taken with many grains of allowance. Notwithstanding all this I must say that as at present advised I am satisfied that Captain Clarke stated in his affidavit nothing beyond the truth, and that if he did nothing extenuate, I am sure he

did not "set down aught in malice."

To the right understanding of the foregoing I respectfully refer you to my No. 794 with its several enclosures and also to the enclosures herewith.

I have the honor to be
Sir,
Your obedient Servant.
Rt: A. Bingham

Enclosures

1. Sir Harry Parkes to Mr. Bingham May 16th "
2. Sir Harry Parkes " June 6th.
With 3 ab enclosures 1. 2. 4 B
Admiral Hillyar & Lieut. Pilot. Sir. Harry Parkes
3 Mr. Bingham to Sir Harry Parkes " 11th "
4. Sir Harry Parkes to Mr. Bingham " 12th "
5. Mr. Bingham to Sir Harry Parkes " 13th "
6. Sir Harry Parkes to Mr. Bingham " 14th "

Enclosure 1. in No. 813.

Copy.

Her Britannic Majesty's Legation
Yedo. May 16th 1878

Sir

I have the honor to acknowledge the receipt of your letter of yesterday's date in which in reply to my request for further information as to what was really said or done by the British officer who visited the "Coquin" you are so good as to furnish me

His Excellency
The Hon. J. Bingham
&c &c &c.

me with the following particulars taken from the affidavit of the Captain, Samuel J. Clarke.

"Captain Clarke says that on
" or about the 12th of April while loading
" at the port of Nagasaki the Steamer
"Courier" under his command was
" visited by an officer in uniform
" from Her Majesty's flagship "Audacious"
" who presenting the Admiral's compli-
" ments enquired for what port she
" was loading, remarking that in
" consequence of irregular mail com-
" munications with various ports it
" would be convenient to him in that
" particular should she be bound for
" any port where he had vessels with
" which he wished to communicate: and
" upon being informed that the Steamer's

"s destination was Vladivostok the officer
"enquired as to the nature of her cargo,
"which consisted of flour, rice and coal:
"and that the officer also enquired
"whether it was customary to take coal
"to that port and spoke of the steamer
"flying the American flag while her
"name was on the stern in Russian
"characters asking at the same time if
"she was American property and on
"being answered in the affirmative took
"his leave."

You add that "the foregoing con-
"stitute the particulars as communicated
"to me of what was said and done by the
"British officer who visited the "Courier".

You proceed to express the opinion that
"this visitation of the "Courier" in the port
"of Nagasaki by Her Britannic Majesty's

" vessel of war Audacious, and the inquisition
" then and there made under the cover of its
" guns by the officer of the "Audacious" into
" the nationality cargo and destination
" of the Courier were an unprecedented pro-
" ceeding and without color of right"
" and that you therefore enquired sir
" your Despatch of the 10th instant whether
" the proceeding was not without the
" sanction of Her Britanic Majesty's
" Government"

Assuming, in the absence of further information on the subject, that the facts of the case are those stated by Captain Clarke. I desire to state that the impression produced by them on my mind is entirely at variance with the construction which you have seen fit to place upon them. It appears to me that

the

the British Admiral asked, in courteous terms, to be informed of the destination of the vessel in order that he might profit by the opportunity of communicating with some of his ships, if the Commander or Agent of the "Courier" following the practice so commonly observed among foreigners in this country would have permitted him to do so. I do not gather from Captain Clarke's affidavit whether the remaining questions were put by direction of the Admiral or were suggested by the visiting officer himself in the course of conversation, but it appears to me that to ask whether it was customary to take coal to such a port as Vladivostok was only a reasonable enquiry as it is natural that the Commander in Chief or any other naval officer newly

arriving on the station should endeavor to inform himself as to where supplies of that material are procurable. The question as to the nationality of the vessel was probably suggested by the singular circumstance of her name being inscribed on the stern in Russian characters, while the flag she was flying was American and although this circumstance would naturally attract the attention of any nautical man the Commander of the Courier was obviously at liberty to decline to answer this or any other question that happened to be put to him by the British officer who visited his ship. It does not appear from Captain Clarke's affidavit that the enquiries of that officer were made in a manner that was

calculated to convey any offence, and I am at a loss to understand why you should chose to designate those enquiries as an "inquisition then and there made
" under the cover of its guns by the officer of the "Audacious" or to imply although there is nothing in Captain Clarkes evidence to support such an implication, that the officer "questioned the propriety of the "Carrier" taking certain cargo to the port
" of her destination and even questioned
" the propriety of the characters in which
" the name of the vessel was printed"

As far as I can perceive the officer did not question the propriety of any of the "Carriers" proceedings, but merely asked for information of an ordinary nature, such as nautical men whether in the Naval or Mercantile Service

are generally very willing to furnish to each other.

I observe that you repeat your enquiry "whether this proceeding was "not without the sanction or authority "of Her Britannic Majesty's Government" and you add that it is made "in no "unfriendly spirit but because it seems to me that the visitation of the "Courier by the "Audacious" in the light "of what was said or done by the visiting "officer on that occasion necessarily "implied that the Audacious then and "there claimed and asserted the right "to visit the American merchant "vessel "Courier" and to investigate and "determine her nationality destination "and cargo when the "Courier" was in "the port of Nagasaki" and covered by

the American flag"

In the same friendly spirit I beg to express my conviction that the evidence of Captain Clarke does not justify the implication that any right of the kind you name was asserted or claimed by the British Commander in Chief or by his flagship the "Audacious" and I can only regret that you should have thought it necessary to form such an unfavorable opinion of his proceedings in this case. I did not reply to your first enquiry whether the "Courier" had been visited with the sanction and authority of Her Britannic Majesty's Government because I thought you would have perceived, when I observed in my letter of the 14th instant that I knew

knew nothing more of the case than what was stated in your Despatch of the 10th, that it was obviously impossible for me to answer such an enquiry.
I still remain in the same position, but although it does not appear to me in the least likely that the "Conway" was visited with the sanction or authority of Her Britannic Majesty's Government I shall seek information on this point from the Commander in Chief to whom I shall transmit this correspondence and on receipt of his reply I shall be prepared to address you again on this subject.

I have the honor to be Sir
Your Excellencys most obedient
humble servant
(Signed) Harry S. Parkes.

Enclosure 2, in No. 813

(Copy)

Her Britannic Majesty's Legation,
Yedo, June, 6, 1878.

Sir:

Requesting your reference to my Despatch of the 16th ultimo respecting the visit paid by a British Naval officer to the American merchant vessel "Courier" in which I stated that I should forward the correspondence which had passed between

His Excellency
The Hon. John A. Bingham
United States Envoy Extraordinary
and Minister Plenipotentiary -

between you and myself on this subject to the British Naval Commander in Chief. I have now the honor to enclose copies of Vice Admiral Hellyar's reply and of the two reports of the boarding officer which reached me this morning.

From Admiral Hellyar May 30/1848

You will perceive from this Despatch that the visit in question was made by the order of the Admiral alone, and that what actually occurred does not justify the construction which you placed upon it.

Ext. of the May. 20.

For your Despatch to me of the 15th. ultimo you state that you are of opinion "that this visitation of the Courier ist "the port of Nagasaki by Her Britannic "Majesty's vessel of war Audacious, and "the inquisition then and there made

Ld. May 30.

"under the cover of its guns by the officer of the
"Audacious" into the nationality, cargo, and
"destination of the "Courier" were unprecedented
proceeding and without color of right."
— and you also add "I seems to me
"that the visitation of the "Courier" by the
"Audacious in the light of what was said
"and done by the visiting officer on that
"occasion necessarily implied that the
"Audacious" then and there claimed and
"asserted the right to visit the American
"Merchant vessel "Courier" and to inves=
"tigate and determine her nationality
"destination and cargo when the
"Courier" was in the port of Nagasaki
and covered by the American flag".

I trust that you will now perceive
that the above opinions are not
warranted by the facts of the case,

and I trust therefore that you will be willing to withdraw the implications which are conveyed in the above quoted papages of your Despatch.

I have the honor to be,

Sir,

Your Excellency's most obedient humble servant,

(Signed). Harry S. Parkes

Sub enclosure 1. with Encl. 2 in No. 813.

Copy.

Audacious at Nagasaki
May 30th 1868.

Sir:

I have the honor to acknowledge the receipt of Your Excellency's Dispatch of the 18th and 23rd inst. enclosing copies of Dispatches from His Excellency the Hon. J. Bingham United States Minister in Japan dated the 10th & 15th of May and your replies thereto of the 11th and 16th of the same month, with reference to the American Steamer "Courier" having been boarded by an officer of my Flagship

His Excellency

Sir Harry S. Parkes K.C.B

&c &c &c

Flagship on or about the 12th April in Nagasaki Harbor.

In reply to the unfounded charges implied in His Excellency the American Minister's Despatches, I will simply confine myself to the facts of the above case which are substantially correctly stated in the affidavit of the Captain, Samuel J. Clarke, in so far as the boarding officer having presented my compliments to him & enquired for what port he was loading, remarking "that in consequence of the irregular Mails "communication with various Ports it "would be convenient to one in that particular should he be bound for any port "where I had vessels with which I wished "to communicate."

This information was at once given and Captain Clarke said that he

would be very happy to take letters if required.
The remaining conversation which passed between the Captain and boarding officer was on general topics carried on in a friendly spirit and was not constructed into inquisitorial questions which no doubt would have been immediately reported and resented had such been the case.

As His Excellency Rear Admiral Patterson was on the point of leaving for Yokohama I showed him your Despatch of the 15th of May, and made him acquainted with all the facts of the case which I begged him to communicate to his Minister.

Mr Mangum United States Consul at Nagasaki subsequently confirmed these facts to the satisfaction of the Rear Admiral and informed me that neither himself nor the Captain of the "Courier" considered

themselves the least aggrieved by the ordinary questions put by the boarding officer which he the captain had a perfect right not to answer had he felt so disposed. I may add that the nationality of the "Courier" was never questioned nor were here papers inquired after as she was well known to be American and it was quite unnecessary to make any inquiries about her cargo as she was shipping coal and rice at the time from lighters alongside.

In conclusion I cannot help expressing my surprise that His Excellency the Hon. J. Bingham should have entertained such an unfavorable opinion of this case, and that the simple boarding of the "Courier" by my orders with a civil question to the Captain with my compliments

as to his destination, which, as I have before stated, he had the perfect right to answer or not as he pleased could be construed by His Excellency into an inquisition made under cover of the guns of the Audacious, and an unprecedented proceeding without color of right.

I enclose for your Excellency's information copies of the reports of Lieutenant Pike, the Boarding officer which I called for on the receipt of your letters of the 15th and 23d of May respectively.

I would add that it is the usual custom of ships of war of every nation to send an officer to board merchant ships arriving in Port, to ascertain news, offer assistance or obtain and send Despatches. On this station we are often indebted to foreign ships for their ready conveyance of

of mails &c. to different ports.

It is almost unnecessary for me to inform Your Excellency that the Boarding of the "Courier" was not done by special Authority of H. Ms. Government, but entirely by my own order.

I have &c

(Signed) Chas. F Hillyar

Vice Admiral

Commander in Chief.

Subenclosure 2 with Encl. 2 in No. 813.

Copy.

H. M. S. "Audacious."

Nagasaki May 20th. 1878

Sir:

I have the honor to inform you that in compliance with orders to give you a written statement of what paped on the occasion of my boarding the American Steamer "Courier" on the 12th April last agreeably to your orders to try and get information as to the destination of the three steamers in Nagasaki harbor as you had letters to send:

Vice Admiral
C. F. Kellyar C. B.
Commander in Chief.

I boarded the "Courier" the sailing master of which ship introduced me to a Mr. Clarke who he said was Captain of the vessel. I then asked Mr. Clarke if he would kindly inform me when the vessel sailed and where she was bound, as the Admiral might wish to send a letter: he at once gave me the information and said he would be very happy to take any letters - the only other information I asked for was when he arrived in Nagasaki.

Nothing else occurred, the sailing master however explained to me the manner in which he secured his vessel alongside the ice at Vladivostok, and also informed me voluntarily of what his cargo had consisted and how it was conveyed to the shore.

Finally I beg most distinctly to deny having in any way questioned the nationality of the "Courier". and no question was asked in the shape of a demand, but the Captain and Sailing Master gave me the information as above without the slightest hesitation or expostulation.

I have &c.

(Sd.) Frs.d.k Fike

Lieutenant.

Sub-enclosure 3. with Encl. 2 in No. 813.

Copy

H.M.S. "Audacious"

Nagasaki May 30, 1868.

Sir:

Agreeably to your order to furnish you with a written reply to the charge contained in a letter from the United States Minister at Yedo dated 13, May 1868 with reference to the boarding of the "Courier" on the 12th April last,

I have the honor to repeat the statement I made in my letter to you of the 20th May 1868 namely that I most directly deny having in any way questioned the nationality

Captain Durant R.N.

H.M.S. "Audacious"

nationality of the "Courier" that no question in the shape of a demand was put nor was any information asked for, which could possibly be interpreted as questioning the name, Nationality, or movements of the vessel. I may observe that I was received with the greatest cordiality by the Sailing Master and Captain, the latter saying that he would be happy to take any letters for the Admiral.

There was no necessity for me to ask any question as to her nationality as I knew she was an American vessel, and with reference to her cargo I observed that she was taking in coal & rice without asking any question about it.

I would further remark that the simple question which I made

respecting the destination of the vessel in case the Commander in Chief had letters to send was answered with perfect readiness and that no expostulation or remark was made as to the manner of my boarding or the questions asked by me when on board the "Courier".

I have &c.

(Sd.) Fred^k. Pike,

Lieutenant.

Enclosure 3. in No. 813.

Copy.

U. S. Legation
Yokei, June 11th 1870.

Sir Harry S. Parkes. K. C. B.
H. B. M's Envoy Extraordinary
and Minister Plenipotentiary to Japan.
&c, &c, &c.

Sir:

I have the honor to acknowledge the receipt of your despatch of the 6th inst. with enclosures, in relation to the visitation of the American merchant vessel "Comet" in the port of Nagasaki on the 12th of April last by an officer of H. B. M's Navy. I note in the letter of H. B. M's Vice Admiral Hillyar Commander in

Chief the statement that "the boarding of the "Carrier" was not done by special authority of H. M's. Govt. but entirely by my (this) own order." and I also note that the Vice Admiral further says that "the facts are substantially correctly stated in the affidavit of the Captain Samuel G. Clarke, in so far as to the boarding officer having presented my (the Vice Admiral's) compliments to him & enquired for what port she was loading, remarking that in consequence of the irregular mail communication with various ports it would be convenient to me (him) in that particular should she (the "Carrier") be bound for any port where I (he) had vessels with which I (he) wished to communicate."

It is manifest that the Vice Admiral by the foregoing, as well as by all that follows in his letter & its enclosures does not admit the affidavit of Captain Clarke to be correct as to

to what was said & done by the boarding officer on the occasion of his visit any further than insofar as the same is quoted by him as above set forth. If Captain Clarke's sworn statement had contained only what is quoted above upon the receipt of it I would not have made any inquiry of you or have taken any concern about the matter. Believing, as I do, that the Vice Admiral's statement above quoted from his letter correctly sets forth all that the Vice Admiral authorized the boarding officer to do in the premises and all that the Vice Admiral approves of what was said or done by the visiting officer on board the "Courier" I cheerfully agree that there is no cause for complaint on account of what the Vice Admiral authorized, as above stated. You will observe that all that I said to you on the subject of the

visitation of the Courier was said in the light of what was communicated to me in the affidavit of Captain Clarke and upon the assumption that the statements therein made upon oath were true; and that in my dispatch to you of the 10th instant I qualified what I said of the Vice Admiral in the matter of the visitation by the words that the same "was apparently by direction of the British Admiral" &c.

The Vice Admiral after restricting the transaction to a simple boarding of the "Courier" by his orders with the presentation of his compliments and the inquiry of Captain Clarke as to his destination with a view to transmit letters by him, proceeds to declare that "the nationality of the "Courier" was never "questioned;" that "she was well known to be American "and that it was unnecessary to make

"enquiries about her cargo as she was
shipping coal and rice at the time;" and
also encloses with his letter copies of two several
communications on the subject from the visit=
ing officer, Lieut. Pike. In his letter of the 30th of
May Lieut. Pike says that he distinctly denies
"having in any way questioned the nationality
"of the "Courier" nor was any information
"asked for which could possibly be interpreted
"as questioning the name, nationality or
"movements of the vessel," and that in
reference to her cargo he "observed she
"was taking in coal and rice without
asking any question about it". By these
several averments of the two Admiral
and Lieut. Pike the following statements
of Captain Clarke's affidavit are substan=
tially denied, to wit: that "he (the
visiting officer) inquired as to the

nature of her (the Carrier's) cargo" also
as to whither it was customary to take coal
to that port (Vladivostok) and he "also spoke
" of the steamer (the Carrier) "flying the Amer=
" ican flag while her name was on the stern
" in Russian characters, asking at the same
" time if she was American property"

It was because of these statements of
Captain Clarke verified by his oath that
I deemed it my duty to address you on
the subject, to the end that I might be in=
formed by you whither the transaction
as reported to me was not without the
authority or sanction of H. B. M's Govt.
The transaction as officially communi=
cated to me and stated in Captain
Clarke's affidavit having been sub=
stantially denied by the Vice Admiral
and also by Lieut. Pike, and being

assured by your despatch & its enclosures that the transaction, as represented by Captain Clarke, was without the authority of Her Majesty's Govt. and is disclaimed by the Vice Admiral it only remains for me, as at present advised, to tender to you my thanks for the prompt attention which you have been pleased to give to the matter of my enquiry, and to add that Mr. Mangum in reporting the transaction to me expressed no such opinion either of himself or Captain Clarke in relation to the visitation of the "Cameo" as communicated by him to Vice Admiral Hotham and by the Vice Admiral reported in his letter of the 20th ultimo.

I have the honor to be

Sir,

Your obedient servant

(Signed) John. A. Bingham.

Enclosure 4. in No. 813.

Copy

Her Britannic Majesty's Legation
Yedo, June 12. 11th 1848.

Sir

I have the honor to acknowledge the receipt of your Despatch of yesterday's date containing your observations on the account given by Rear Admiral Hillyar of the circumstance of his having sent on board the American merchant steamer "Courier" to make

His Excellency
The Hon. John A. Bingham
United States Envoy Extraordinary
and Minister Plenipotentiary

make some ordinary enquiries, and
while appreciating the terms in which
you are so good as to acknowledge the
action I have taken in this matter,
I cannot do otherwise than adhere
to the opinion I expressed in my letter
to you of the 16th ultimo that the evidence
of Captain Clarke does not justify the
unfavorable construction which you
placed upon the Admiral's proceedings
or the language in which you expressed
your opinion of the same.

I have the honor to be

Sir.

Your Excellency's most obedient

humble servant

(Signed) Harry S. Parkes.

Enclosure 5. in No. 813.

(Copy.)

U. S. Legation,
Yokei, June 13th 1868.

Sir Harry S. Parkes K. C. B.
H. B. M's Envoy Ex. & Minister Plenipotentiary
to Japan. &c. &c. &c.

Sir:

Referring to your despatch of the 12th instant in reply to my note of the 11th inst. in relation to the visitation of the "Conrier" in the port of Nagasaki, by an officer of H. B. M's Navy, I beg leave to say that I have read and duly considered your words that "I (you) cannot do otherwise than adhere to "the opinion I (you) expressed in my (your) "letter to you (me) of the 16th ultimo,

that the evidence of Captain Clarke does not justify the unfavorable construction which you (I) placed upon the Admirals proceedings or the language in which you (I) expressed your (my) opinions of the same

Of this somewhat extraordinary expression of opinion by you and condemnation of a like right of expression of opinion by me as made in my despatch to you of date the 15th ultimo, permit me to remind you that in that despatch I expressly stated that the quotations thereon made by me from the affidavit of Captain Clarke constituted the particulars as communicated to me of what was said and done by the British officer who visited the "Comier." You will observe that it was not upon "the

Admirals proceedings" as you mistakenly say in your despatch of the 12th instant that I put the unfavorable construction" but upon what was said by the British officer who visited the "Courier"

When you wrote your despatch of the 12th instant you were replying to my note of the 11th instant, in which I stated that "believing as I do, that the Vice Admirals "statement (as quoted by one in my said despatch) "correctly sets forth all that the Vice Admiral "approves of what was said or done by "the visiting officer on board the "Courier, I cheerfully agree that there is "no cause of complaint on account "of what the Vice Admiral authorized" "as therein quoted by me from his "letter to you of the 30th ultimo.

In your note of the 16th ultimo. I have

I have also to observe that you assumed that "in the absence of further information "on the subject the facts of the case are those "stated by Captain Clarke & that you proceed "d to state that the impression produced "by them on your mind was "entirely at "variance with the construction which you "(I) have seen fit to place upon them"

You doubtless will concede that in the absence of further information on the subject it was as clearly my right as it was yours to assume on the 15th ultimo, as I did, that the facts of the case were as sworn to by Captain Clarke; and that it was as clearly my right as it was yours to place at the time a construction upon the facts so stated by Captain Clarke and assumed by yourself and me to be true.

Having most respectfully considered your strictures upon my opinion, as expressed in my note of the 15th ultimo to you, allow me to say that there was nothing therein when read in connection with my note to you of the 11th instant, to justify your condemnation of what I therein said or of the language in which I therein expressed myself. Hoping that upon reflection you will agree with me that there is no occasion at present for further correspondence between us on this subject

I have the honor to be Sir

Your obedient Servant

(Signed) John A. Bingham.

Enclosure 6. in No. 813

(Copy)

Her Britannic Majesty's Legation

Yedo June 14th 1878

Sir:

I have the honor to acknowledge the receipt of your Despatch of Yesterday's date relative to the affair of the "Carrier" and beg to assure you of my entire concurrence in your suggestion that there is no occasion at present for our prolonging a correspondence which was commenced and has been continued much to my

His Excellency.

The Hon.ble John A Bingham

United States Envoy Extraordinary

and Minister Plenipotentiary.

my regret, and which has been
occasioned on my part to replies
to your communications.

I have the honor to be
Sir
Your Excellency's most obedient
humble servant.
(Signed) Harry S. Parkes.

Have Mr. B's disp.
been published by the Dept?
C. P.

ask August 7
W Berdan

No 814.



United States Legation,
Japan,
Tokei, June 25, 1878.

Mr Bingham
to the
Hon. Secretary of State.

Subject.

Enclosing an extract from the London and China Express, reproduced in the Tokio Times, with reference to Mr Bingham's recommendation in his No 642 as to the kinds of cotton goods and yarns suitable to the Japanese market.

Enclosures.

Duplicate Extracts from the Tokio Times, June 24.

No 814.

United States Legation,
Japan,
Tokei, June 25th 1878.

Hon. William M. Evarts,
Secretary of State,
Washington, D.C.

Sir:

In the Tokio Times of date the 22d instant there was reproduced a paragraph from the London and China Express, a copy of which I have the honor to enclose herewith for your information.

You will notice that the paragraph relates to my despatch to the Department No 642 of date October 8, 1877, and purports

purports to be a part of a review by the London and China Express of my despatches during the year 1877. I do not know how the reviewer came into possession of my correspondence for that year not given to the public in the Foreign Relations.

The reviewer notes that the most important statement of my correspondence" is with "reference to the adulteration "of English manufactured goods &c, and is also careful to observe that "Mr Bingham recommends "that cotton goods of 30 to 36 inches "wide honestly made be sent "to Japan, as also yarns of the "sizes 16, 24, 28, 32, 38 and 42 &c.

well

"well bleached and softly twisted."

It is not surprising that the vigilant English editors should take special notice of any attempt to increase the trade of the United States of America with Japan in articles of American production to the exclusion of similar articles of English production (but of inferior quality) which constitute the chief imports of England to Japan.

I have the honor to be,

Sir,

Your obedient servant,

Wm. A. Stringham

No 814.

Enclosure.

Extract from the Tokio Times

June 22, 1878.

In a review of the United States minister's correspondence from Japan during the year 1877, the *London and China Express* has the following paragraph:

The most important statement is with reference to the adulteration of English manufactured goods, and grey shirtings are said to be manufactured from the poorest cotton grown, white shirtings to be loaded with terra alba and starch. Mr. Bingham recommends that cotton goods of 30 to 36 inches wide honestly made be sent to Japan—as also yarns of the sizes 16 and 24, 28 and 32, 36 and 42, in bales of 3 piculs or 400 pounds, in 10 pound bundles, 40 bundles to the bale, compressed so as to measure about 11¼ to 12 cubic feet, well bleached and softly twisted.

No 814.

Enclosure.

Extract from the Tokio Times

June 22, 1878.

In a review of the United States minister's correspondence from Japan during the year 1877, the *London and China Express* has the following paragraph:

The most important statement is with reference to the adulteration of English manufactured goods, and grey shirtings are said to be manufactured from the poorest cotton grown, white shirtings to be loaded with terra alba and starch. Mr. Bingham recommends that cotton goods of 30 to 36 inches wide *honestly* made be sent to Japan—as also yarns of the sizes 16 and 24, 26 and 32, 36 and 42, in bales of 3 piculs or 400 pounds, in 10 pound bundles, 40 bundles to the bale, compressed so as to measure about 11¼ to 12 cubic feet, well bleached and softly twisted.

No 814.

Enclosure (duplicate)

Extract from the Tokio Times,
June 22, 1878.

In a review of the United States minister's correspondence from Japan during the year 1877, the *London and China Express* has the following paragraph:

The most important statement is with reference to the adulteration of English manufactured goods, and grey shirtings are said to be manufactured from the poorest cotton grown, white shirtings to be loaded with terra alba and starch. Mr. Bingham recommends that cotton goods of 30 to 36 inches wide honestly made be sent to Japan—as also yarns of the sizes 16 and 24, 28 and 32, 36 and 42, in bales of 3 piculs or 400 pounds, in 10 pound bundles, 40 bundles to the bale, compressed so as to measure about 11½ to 12 cubic feet, well bleached and softly twisted.

Note & Comm. approved Aug 7

Note. approve
C. P.

No 815.

Mr Bingham

United States Legation,
Japan,
Tokei, June 25, 1878.

DEPARTMENT OF STATE
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3
1878
RECEIVED

Mr Bingham
to the
Hon. Secretary of State.

Subject.

Mr Terashima informs Mr Bingham that the Japanese Govt. has issued an order that the register and papers of American vessels shall be deposited with the Japanese Custom House Authorities at ports where there are no U.S. Consular officers. Mr Bingham verbally

informs Mr Terashima that he will communicate with the Dept. on the subject, and in the meantime will request our Consuls to instruct the Captains and commanding officers of American vessels to comply with the order.

Enclosure.

Mr Terashima to Mr Bingham

June 6, 1878.

No 815.

United States Legation,
Japan,
Tokei, June 25, 1878.

Hon. William M. Evarts,
Secretary of State,
Washington, D.C.

Sir:

On the 6th instant I received from His Excellency Mr Terashima, the Japanese Minister for Foreign Affairs, a communication, a copy of which is herewith, requesting me to notify our Consuls in Japan that by a regulation of this Government on the register and other papers

1/815

f

of American vessels arriving
in the port of Niigata, Japan,
or in any other Japanese port
where there is no Consular
officer of the United States
must be deposited with the
Japanese authorities of the
Custom House of such port
by the Captains or Commanding
officers of such vessels.
After conference with Mr
Terashima I have verbally
informed him that I would
bring the matter to the attention
of our Government, and, in
the meantime, would request
our Consuls at the several
open ports to notify all
American vessels to comply
with

with the order of this Government in all open ports of Japan where the United States may have no Consular Officer. I trust that my action may meet your approval.

I have the honor to be,

Sir,

Your obedient servant,

Wm. A. Bingham

No 815.

Enclosure.

Copy.

No 14.

Foreign Office, Tokio,
The 6th of the 6th month
The 11th year of Meiji.

H.E. John A. Bingham,
E.E. and M.P. of the U.S.A

Sir:

The regulation heretofore observed at all the open ports of Japan, required that upon the arrival of an American merchant vessel in port the captain or commander should exhibit to the Japanese Custom House Authorities the receipt of

the American Consul, showing that he had deposited the ship's register and other papers at the American Consulate.

This regulation, however, cannot now be complied with at Niigata, owing to the absence of a United States Consular officer at that port. It is intended, therefore, that in future upon the arrival of an American vessel at Niigata (or at any other port where there is no American Consular officer) the ship's register and other papers may be directly exhibited to and deposited with the Japanese Custom House Authorities at that port by the Captain or Commanding officer of such vessel. I beg to request

therefore that Y.E. will notify the U.S. Consuls at the different ports of Japan of the foregoing regulation. and direct them to make the same public for the benefit of U.S. citizens.

I avail myself of this occasion to renew to Y.E. the assurance of my highest consideration.

(Sgd.) Terashima Munenori,
H.I.J.M's. Minister for Foreign Affairs.

Ack^d Augt 7.

No 816. Mr Berdan

United States Legation,

Japan,

Yokei. June 26, 1878.

DEPARTMENT OF STATE
AUG
3
1878
RECEIVED

Mr Bingham

to the

Hon. Secretary of State.

Subject.

Enclosing statement from the London and China Express, to the effect that Mr Sameshima, Japanese Minister to France, has arrived in Paris with authority to discuss the revision of the tariff with the Treaty Powers, and that he will shortly open the discussion of the subject with M. Waddington.

Enclosure

Enclosure.

Extract from the Japan Daily Herald, June 24, 1878.

No 816.

United States Legation,
Japan,
Tokei, June 26, 1878.

Hon. William M. Evarts,
Secretary of State,
Washington, D.C.

Sir:

I have the honor to enclose herewith a paragraph published in the Japan Herald of the 24th instant from the London and China Express, in which it is stated that His Excellency Mr Sanetshima, the Japanese Minister to France, who lately arrived in Paris "with special "authority to negotiate with

1/

the

"with the Treaty Powers for
"a revision of the tariff, will
"shortly discuss the matter
"with M. Waddington, the
"Minister of Foreign Affairs."

Assuming this statement to be true, it seems that France is ready to consider the subject separately, and may possibly agree to the pending proposition of revision as made by this Government and heretofore communicated to the Department in my No 383 of April 19 1876.

I have the honor to be, Sir,

Your obedient servant,

Wm. A. Bingham

No 816.

Enclosure.

Extract from the Japan Daily Herald, June 24, 1878.

"We understand that His Excellency
"Sameshima, the Japanese Minister
"in Paris, who lately arrived from
"Japan with special authority to
"negotiate with the Treaty Powers
"for a revision of the tariff, —
"will shortly discuss the matter
"with M. Waddington, the
"Minister for Foreign Affairs. —
"London and China Express.

Inform Mr. B. that Dept concurs in Mr. Harris' suggestion to surrender the lot & pay arrears of rent & claims the suggestion may be carried into effect. C. P.

Mr Berdan

No 817.

Mr Bingham so informed Aug 7.

United States Legation,

Japan,

Tokei, June 26, 1878.

DEPARTMENT OF STATE
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1878
RECEIVED

Mr Bingham

to the

Hon. Secretary of State.

Subject.

Consular lots in Hakodate. Mr Bingham receives a communication from Mr Harris, to the effect that lot 15 is not suitable for consular purposes, and that Mr Dunn, who made the proposition to pay the rent in arrear on lot 14 if the same should be transferred to him, will not take lot 15 on the

same condition. Mr Bingham recommends that lot 15 be surrendered, the unpaid rent, $150, paid, and lot 14 retained for Consular use.

No 817.

United States Legation,
Japan,
Tokei, June 26, 1878.

Hon. William M. Evarts,
Secretary of State,
Washington, D.C.

Sir:

Referring to Instruction No 341 of date the 25th of February last, I have the honor to report that on the 6th ultimo I acquainted Mr Harris, our Consular Agent at Hakodate, that he might transfer the unoccupied United States Consular lot No 14 to Mr Dent upon his paying the ground rent in arrear upon said

said lot. I am now in receipt of a letter from Mr Harris stating that he is of opinion that lot 14 is altogether the more suitable for Consular purposes, and recommends that it be retained for that purpose; and that, as Mr Dunn does not desire lot 15, the United States should surrender lot 15 to the Japanese Government and pay off the rent in arrear, which, he says, will be One hundred and fifty dollars (150^{00}) by the end of this month, being at the rate of Fifty dollars (50^{00}) per annum for three years, and thereby be released from the

the rental thereon in future.
As Mr Harris says lot 15
is not used for Consular
purposes, and has not been
for five years, it would seem,
as one lot will be sufficient
for the use of our Government,
and as Mr Dunn declines to
take lot 15 on the condition
named, that it would be
better to pay off the three
years ground rent and
surrender the same to the
Japanese Government.
Mr Harris in his former
communication of 10th of
December last on this
subject failed to inform
me which lot Mr Dunn

proposed

proposed to take.

I have the honor to be,

Sir,

Your obedient Servant,

Wm. A. Bingham

Ans per draft August 5.
L. P.

No 818.

W Berdan



United States Legation,

Japan,

Tokei, June 27, 1878.

Claim paid in full see Mr Bingham's

No 822 dated June 29.

Mr Bingham

to the

Hon. Secretary of State.

Subject.

Mr Bingham's further correspondence and personal conversation with the Foreign Office in the matter of the enforcement of the judgment of Mr Dunn against the Japanese Petroleum Mining and Manufacturing Company & of the fraudulent suit of the President of said Company

against Dunn, the suit being
in favor for said Company, in the
U.S. Consular Court at Yokohama,
and Mr Bingham's action in relation
thereto.

Enclosures.

1. Mr Bingham to the Minister for F.A.
May 29, 1878.
2. Agreement between Dunn and the
Petroleum M. & M. Co. July 22, 1873.
3. Minister for F.A. to Mr Bingham, June 8/78.
4. Mr Bingham to Minister for F.A. " 21 "
5. Petition of Ichizaka Shuzo in the suit
against Dunn in the Consular Court —
May 20, 1878.
6. Offer of compromise by Kaneda Nobuyoshi,
June 20, 1878.

No 818.

United States Legation,
Japan,
Tokei, June 27, 1878.

Hon. William M. Evarts,
Secretary of State,
Washington, D.C.

Sir:

Referring to my Nos. 795-797 and 801 in relation to the sham appeal of one of the many defendants in judgment in the case of Ambrose C. Dunn and in the latter despatch also suggesting as a means to end this judicial delay and disregard of the treaty rights of Mr Dunn and of the treaty obligations of this

Government

Government to the United States, that I be authorized to demand not only the immediate payment of the final judgment as rendered in the Supreme Court of His Imperial Japanese Majesty, but full indemnity for the unwarranted delay and refusal of the Judicial and Executive Departments of His Majesty's Government to enforce the judgment as required by the 6th article of the Treaty of 1858, I now have the honor to further acquaint you that thirty eight of the other judgment defendents have retorted to the same device of appeal on substantially on the same

grounds

grounds stated in the petition, copies of which I enclosed with my 795 and 797, to wit: that the individual members of the Company did not assent to the contract and could not be subjected to execution upon the final judgment. Having protested against this illegal and manifestly fraudulent proceeding and also against the continued delay to enforce the judgment therein rendered. I again protested in my despatch to His Excellency the Foreign Minister in my despatch No 702, a copy of which I enclosed with my No 795 to the Department. Receiving no reply from the Foreign Minister to this or to

either

either of my other despatches to
him therein specified I again
addressed the Foreign Minister,
on the 29th ultimo, a despatch, a
1/818 copy of which is herewith, again
protesting against the sham
appeals and the unjust delay
to execute the judgment.
Failing to receive a reply and
being notified by the Court
that Mr Dunn must answer
the petitions in appeal on
or before the 31st ultimo, on
the 6th instant Mr Dunn
by my direction filed his
motions in said Supreme
Court to dismiss said
petitions for appeal, protesting
therein that the Court had

no

no jurisdiction in the premises, that the petitions were filed long after the time limited by Japanese law for appeal from the judgment of said Court, and that they were in fact petitions to the Jotō Saibanshō (the Superior Court) to reverse its own judgment rendered more than two and a half years ago, and also to reverse the judgment of the Supreme Court rendered more than seventeen months ago, while the law of Japan gives no appeal from the Supreme Court in any case and no appeal from the Jotō Saibanshō unless petition

tition be filed within ninety days after judgment and also setting forth in the objection in the petition to the order of the Tokio Saibanshō (the Court of original jurisdiction) that execution issue against the property of the several judgment defendants, and adding that said order but followed the final judgment and mandate of the Superior and Supreme Courts that the defendants should pay to Mr Dunn the amount so adjudged to him as salary and expenses.

Having thus protested again against this proceeding in appeal, as above stated, on the 29th of May in my dec-

taken

patch to Mr Terashima herewith, the judgment defendants of over-grown wealth and official station (one of them, Shimadzu Saburo, having been second in official rank in the Empire) and rich allis, I regret to say, in the devices and resources of chicanery, instead of permitting the issue so raised by their petitions of appeal to be disposed of by their own Government, had the audacity, on the 30th ultimo, to institute a civil action in the name of Ishizaka Shugo, the President of the Company, against Mr Dunn in the United States Consular Court before Consul General Van Buren

on

on the contract between Mr
Dunn and the Company,
2/818 of date July 22 1873, a
copy of which contract
is herewith, demanding judg-
ment thereon against Mr
Dunn in favor of Ishizaka
Shugo to the modest amount
of yen Two hundred and fifty
three thousand nine hundred
and eighty six, sen 4666 (253,986 4666/)
There is nothing like being exact!
Strengthened, doubtless, by this
new departure of the defen-
dants and this new display
by them of the insolence of
office and the arrogance
of power, Mr Terashima
essayed on the 8th instant

to reply to my No 724, but failed
to even attempt a reply to
my No 702 and my several other
despatches therein specified.
8/818 I enclose a copy of this des-
patch of Mr Terashima and
8/818 also a copy of my answer
thereto, No 737, dated the 21st
instant, and respectfully ask
your consideration thereof.
You will please note that
Mr Terashima in his des-
patch admits that the
judgment was rendered by
the Superior and Supreme Courts
in favor of Mr Dinn against
the Japanese Petroleum Mining and
Manufacturing Company for Mr
Dinn's salary and other Expenses
as

as contracted to be paid to
him by an agreement between
him and said Company of
date the 22d of July 1873, but
His Excellency avers that this
judgment was not against
the property of the individual
members of the Company, that
the action was not against them,
and that he also avers that "no
"issue was made regarding
"the individual liability of the
"members of said Company."
You will observe in my reply
to Mr Terashima (enclosure 4)
that I say to him in answer
to his statements that the
action having been brought, as he
states and as the petition for
appeal

appeal states, against the company, it was necessarily against the individual members thereof (all of whom were named to the court;) and as judgment was against the defendants, it was necessarily against all the members of the Company; and that as to the Foreign Minister's averment that the judgment was not against the individual property of the defendants, I further answer that the judgment was not against any property, but against the persons who composed the Company, and who, by the contract sued upon, were bound to be personally responsible to Mr Dunn for his salary and expenses (that is for

his

his "wages" (see 6th, 7th, 13th and 17th Articles of the contract) and that in money judgments it is the Execution issued upon the judgment that directs the seizure and appropriation of the property of the defendants in satisfaction thereof; and, finally, as to his statement that the individual liability of the defendants was not in issue, I reply that the contract with the Company of date the 22d July 1873 was the issue made by Mr Dunn's petition, and that Mr Dunn in his written brief handed to the Supreme Court on the 29th of November 1876, nearly a month before final judgment, which was

received

received and receipted for on
that day by the Chief Justice
Kitabatake Harufusa, called
special attention to the 13th and
17th articles of the contract, and
pointed out that the former
released the mines of the
Company and the products thereof,
also the machinery and all
other things connected with
the working thereof, from
liability for Mr Dennis's salary
or wages, while the latter
(the 17th section) provides, as
he correctly declared in his
brief, that each and every
"individual of the said Company
"shall be jointly and severally
"responsible for the payment of
his

"his salary."

Having thus disposed of Mr Terashima's despatch and the petition for appeal, I also called Mr Terashima's attention in my No 737 to the fact that Ishizaka Shuzo had instituted his suit, as hereinbefore stated, against Mr Dunn upon the same contract sued upon by Mr Dunn in the Superior and Supreme Courts, and upon which said Courts had passed, and by which contract the Company agreed to pay house rent for Mr Dunn; and that in the Consular suit Ishizaka Shuzo avers the breach of the said contract by Mr Dunn, and demands house rent, indemnity &c.

for

for breach thereof when the
Supreme Court had affirmed
the judgment of the Superior
Court upon issue joined upon
the same contract, that Mr Dunn
had not broken the said contract.
In this answer to the Minister
for Foreign Affairs I assumed
that if Mr Dunn had broken
the contract otherwise than
as averred in the Superior
Court by the plea of the
Company, that the same
would have been then pleaded,
and especially if, as is now
stated in the petition before
1818 the Consular Court, a copy
of which is herewith, Dunn
had been guilty of the breach
alleged

alleged in March 1876, seven months before the judgment in the Supreme Court, & the same would have been pleaded in said Court; and, finally, I assumed that all the members of the Company, including Ichizaka Shugo now suing Mr Dunn before our Consul, were concluded and estopped by the final judgment in the Supreme Court as to all their existing complaints against Dunn — under the contract, whether pleaded or not, on the well established principle that he who does not speak when he ought to speak, shall not speak when he would speak.

I beg leave to add that

that the same rent now sued
for by Ishizaka Shugo was ad-
judged to Mr Dunn by
the Superior Court, but, as I hereto-
fore advised you, was released
in the Supreme Court because
Mr Dunn had not made claim
for rent in his petition and
because the Company claimed
to have paid the house rent
to the owner, who was also a
member of the Company, and
as to occupation of the house
since judgment, it would be a
small indemnity to Mr Dunn
after payment shall be made of
his judgment, to release him
from any charge for occupancy
since the 27th December 1876 —

until

until the day he quitted the premises, which I understand he did some weeks ago.

You will observe that in my No 737 to Mr Terashima (enclosure 4) I further said to the Minister that I considered Ishizaka's suit before the Consul not only without color of right in law, but a mere device for delay. Therefore I protested against it, and requested that the plaintiff, Ishizaka Shuzo, be ordered to discontinue the sham proceeding and no longer trifle with the adjudged rights of Mr Dunn and the treaty rights of the United States, to the

end

and that the just claim of Mr
Dunn may be recovered through
His Imperial Majesty's Courts
as the Treaty of 1858 enjoins.—
reminding the Minister that
by his despatch to me of date
March 5 1876 he stated that
this same Ishizaka Shugo had
after the judgment of the Superior
Court, asked delay for the
payment thereof until the 2d
of December 1875 and that
Mr Dunn had assented thereto.

Having been notified
by Mr Van Buren on the 31st
ultimo that "Ishizaka Shugo,
"President of the Petroleum Co.,"
had filed his petition in the
Consular Court against Mr

Dunn

Dumm, for house rent since 19th
of March 1874. for indemnity, in-
terest and breach of the 13th article
of his agreement made with the
said Company, of which Ishizaka
Shuzo was and is the President,
on the 1st instant I requested of
the Consul General a copy of the
petition and contract sued upon
and of the bill of particulars,
and I also requested to be in-
formed if the petition of Ishizaka
Shuzo had been verified by the
oath of the plaintiff or his attorney
as required by the regulations
for our Consular Courts in
Japan adopted November 16
1870 under the 5th section of the
Act of Congress of 1860. (See

Copy

copy of these regulations, page 2,
"Civil proceedings," with my No
331 to the Department, dated January
26, 1876, enclosure 5.)
In my despatch of the 1st instant
I also said to the Consul General,
"You will of course issue your
"summons to Mr Dunn and have
"service of the same duly made
"on him, allowing him the time
"authorized by the rules of your
"Court to answer".
Having on the 28th of July
advised the Consul General
that Mr Dunn's claim against
the Company was the subject
of diplomatic action, I added
in my despatch to him of the
1st instant that I looked upon
the

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of March 1874, for indemnity, in-
terest and breach of the 13th article
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of diplomatic action, I added
in my despatch to him of the
1st instant that I looked upon

the

the proceeding now instituted as a device further to delay and, in violation of the treaty of 1858, defeat, if possible, the recovery of the Dunn's just "claim" as adjudged to him by the Superior and Supreme Courts of the Empire.

On the 3d instant the Consul General replied, stating that the petition had not been verified, that he never required a verification from Japanese subjects, and that to insist upon it would be "to close "our Courts to Japanese suitors." He also said that no bill of particulars had been filed, and added "I (he) note your

(my)

"(my) remark" that "I (he)
"am expected to issue my
"(his) summons to Mr Dunn
"and have service of the
"same duly made on him"
&c and said "this will be done"
On the 4th instant the Consul
General enclosed to me a copy
of the "petition and agreement
"therein referred to in the
"case of Ishizaka Shuzo against
"A. C. Dunn", copies of which
agreement and petition are
herewith enclosed (enclosures
2 and 5.) It is apparent on
the face of the contract and
of the petition that the plaintiff
has no right of action in the
premises.

On

On the 19th instant the Consul General enclosed the summons in duplicate issued against Mr Dunn to me, with the request that I should have Mr Dunn send him (the Consul General,) acknowledgment of the receipt of the summons and papers. In my reply to the Consul General under date the 21st instant, declining for reasons therein stated to have Mr Dunn make acknowledgment as requested, I said to the Consul General "while I find no fault with "you (him) for sending the "writs and requesting me "to have Mr Dunn make

acknowledgment

"acknowledgment thereof, I deem
"it my duty under the cir-
"cumstances to return the writs
"to you herewith that such
"service may be made thereof
"upon Mr Dunn by the Mar-
"shal as you may deem ad-
"visable". It seemed to me
under the circumstances of
Mr Dunn's Claim and your
instructions, that I should
not lend myself in any way
to aid Mr Ishizaka Shugs to
defeat through our Court
the rights of Mr Dunn and
the right of our Government
to have the 6th and 12th —
Articles of the treaty of 1858
respected by this Government,

and

and therefore I requested service to be made on Mr Dunn as required by the 13th paragraph, page 3, of the regulations. I understand that such service has since been duly made by the Marshal.

I also beg leave to call your attention to the extraordinary fact that on the 20th instant Kaieda Nobuyoshi, a Japanese officer of the 5th rank, addressed a note to Mr Dunn, stating that in the money matters between Mr Dunn and the Petroleum Company, he (the officer) had become a middleman, and as such he proposes

to

to pay Mr Dunn Fifteen
thousand yen (15,000 Yen) paper
money. I enclose a translation
of this letter of the middlemans
Mr Dunn declaring that he
knew nothing of the relation
of this man to the matter, on
the 22d instant I called on Mr
Terashima and mentioned the
matter to him, to which he
replied that the parties had
the right to compromise. I
told him that Mr Dunn had
refused the middleman's prop-
osition, to which Mr Terashima
made no reply. I also said
to the Minister that the right
of my Government must not
be compromised.

It

It is not probable that this intervener acts without the authority of the Company now suing Dunn in our Consular Court for yen 253.986 4666/.

As the 6th article of the treaty has been and is now disregarded by this Government, and as the same imposes reciprocal obligations, I considered it my duty to say to the Minister for Foreign Affairs that it was the right of my Government to order that our Consular Court should not proceed further on the complaint of this Company and its President Ishizaka Shugo, to enforce any claim arising under their contract of

the

the 22d of July 1873 with Mr
Dunn; and that, until the
claim as adjudged to him by
His Imperial Majesty's Court of
last resort should be enforced
as required by the 6th article
of the treaty, it seemed to me
that the conduct of this Govern-
ment in this matter presents as
clear an occasion for refusing
performance of the treaty obli-
gation on our part as did
the conduct of Great Britain in
the Winslow extradition case.
I was of opinion when I thus ex-
pressed myself to the Minister
for Foreign Affairs on the 22d
instant that, in the President's
words in the Winslow case, it
would

"not comport with the dignity and
"self respect of our Government" to
aid this Government through our
Consular Courts to reverse the
final judgment of its own tri-
bunals, and prevent the recovery
of the just claim of Mr Dunn
as adjudged to him, in direct
violation of the 6th article of the
treaty of 1858 between the two
Governments.

I trust that my action
as herein reported may command
your approval.

I have the honor to be,

Sir,

Your obedient servant,

M. A. Bingham

No 818 Enclosure 1.

Copy

No. 724.

United States Legation

Tokei, May 29th 1878.

His Excellency

Terashima Munenori

His Imperial Japanese Majesty's

Minister for Foreign Affairs.

Sir:

On the 11th instant I had the honor to acquaint Your Excellency of the new device for delay and for a further denial of justice in the matter of the judgment heretofore rendered by the Goto Saibansho and affirmed by the Daishinin in favor of Mr. Dunn

an American citizen against the members of the Japanese Petroleum Mining and Manufacturing Company to which dispatch of the 11th instant numbered 702 I respectfully refer Your Excellency.

I beg leave now to inform Your Excellency that I am this day in receipt of a notice sent through the United States Consul General by the Goto Saibansho to Mr. Dunn to the effect that Mr. Dunn must answer the petition sent in on the 6th inst. (in appeal) on or before the 31st instant.

I now beg leave again to protest against this appeal to the Goto Saibansho to reverse its own judgment and also to reverse the

judgment of the Supreme Court
in violation alike of the rules of
procedure in appeal of the Japanese
Courts and of the treaty obligations
of His Imperial Japanese Majesty's
Government to the United States
of America and to the citizens
thereof.

To this note and to my No. 702 I
trust Your Excellency will be pleased
to give your attention to the end
that this delay and denial of justice
may be ended & that the final judgment so
rendered in favor of Mr. Dunn may be enforced
and the full payment thereof obtained.

I have the honor to be,

Sir,

Your obedient servant,

(Signed) Jno. A. Bingham.

No 818

Enclosure 2.

Copy.

An agreement between Japanese Petroleum Mining and Manufacturing Company, E-sei-sa-Ka (Ishigaka), President or Agent, and Ambrose C. Dunn, an American citizen, Chief Engineer.

1st The agreement made this 22d day of July 1873 between the Japanese Petroleum Mining and Manufacturing Company and Ambrose C. Dunn, witnesseth.

2d The said Company agree to employ the said Dunn, and said Dunn agrees to serve the said Company as Chief Engineer in all its operations and for

the mining and manufacturing of mineral oil in such parts of Japan as the said Company holds lease from the Department of Public Works.

3d The powers of said Dunn's Chief Engineership shall extend over the various shops or works of the Company, the selection of all proper material, machinery and tools required in its various operations, the boring of all oil wells, the manufacturing of all the different products that may be required to be worked from petroleum, and over all foreigners employed by said Company.

4th The period of said Dunn's engagement and services is (3) three years from the date of arrival

of certain machinery in Yokohama, Japan, which has been ordered by said Dunn for the said Company from the United States of America.

5th During the whole period of said Dunn's services he will obey Japanese Government laws and observe all rules and regulations of the said Company.

6th His, the said Dunn's, compensation is to be at the rate of Ten thousand yens (10,000 yens) per annum (in Japanese Coin) or Eight hundred and thirty three yens and thirty three and one third sens (833,33⅓ yens) per month, to be paid monthly on the last day of each month.

7th When the said Dunn is traveling

in the said Company's service or its business, outside of Yoki, his expenses are to be paid by the said Company, but during said Dunn's residence at the said Company's works or mines the said Dunn's personal expenses are to be paid by himself.

8th If the said Dunn shall fail to discover or produce petroleum oil in sufficient quantity as to pay the working expenses of securing the oil at the surface of the ground, in one year, from the arrival of the machinery at the oil regions, the said Company are at liberty to put an end to this agreement after paying the said Dunn his salary for said year.

9th If the said Dunn shall be prevented by sickness from performing his duties for a period of more than ten days his salary shall be suspended after the tenth day of such illness and remain suspended until such time as he, Dunn, returns to his duties.

10th The said Dunn is not required to work on the Christian Sundays — except in cases of great emergency.

11th Foreigners that may be needed by the said Company. The said Dunn shall be consulted as to their capabilities before the said Company employ such person or persons. On consultation if said Dunn pronounces said person or persons incapable, the said Company —

agrees not to employ such person or persons.

12th Provided said Dunn should die this agreement ceases, but his body and personal effects together with what salary may have been due him at the time of his death, shall be handed over to his wife at Tokio.

13th The said Dunn agrees to abide by the conditions of the letter hereunto attached addressed to the Chief Commissioner of Mines.

14th The said Company agree to furnish or supply the said Dunn at all times a Competent Interpreter.

15th During the whole period of

said Dunn's engagement the said Company will provide for said Dunn a good and suitable dwelling house furnished in Japanese style.

16th It is further agreed by said Company that the boring for oil during the first year shall be from the oil lands having the greatest abundance of petroleum.

17th The provisions of section (13) thirteen of this agreement are not to be understood as releasing the Japanese Petroleum Mining and Manufacturing Company or its individual members from their personal responsibility for the payment of the said Dunn's salary.

In witness whereof we

have hereunto set our hands
and seals on the day, month
and year above written.

(Sgd.) 於日本神奈川県大貳石坂周造 (Ishizaka Shuzo)

" A. C. Dunn

Witness.

(Sgd.) Geo. N. Mitchell,
U. S. Vice Consul
Kanagawa, Japan.

Consulate of the U.S. of America
Kanagawa, Japan.

On this 21st day of July
A. D. 1873, before me, Mitchell, Deputy
Consul of the United States of America
for Kanagawa and the dependencies
thereof, duly commissioned and sworn,

personally appeared A. C. Dunn, to
me personally known to be the person
described in and who executed the
annexed letter and who acknowledges
to me that he executed the same
freely and voluntarily to and for
the uses and purposes therein named.

Given under my hand
and the seal of this Consulate
the day and year in this
certificate first above
written.

(Sgd.) Geo. N. Mitchell,
Dep. U.S. Consul

Seal of U.S. Consulate

July 22, 1873.

To the Commissioner of Customs, Tokio,

(over)

Sir:

Referring to an agreement entered into between me and the Japanese Petroleum Mining and Manufacturing Company dated July 22, 1873, I do declare that I am only engaged to perform the services described in said agreement and in no other way connected with the mines therein mentioned or with their working, and that I understand and agree that neither these mines (nor any lease or right of working the same) nor their products, nor their machinery, nor any other things connected with their working, are or shall be responsible

for my wages, as security, or for any loans which may be made by me, or in any other way whatsoever.

I beg, Sir, to remain

Your obedient servant,

(Sgd.) A. G. Dunn

石坂周造 (Ishizaka Shuzo)

Witness.

(Sgd.) H. W. Denison

No 818. Enclosure 3.

Copy.

Translation

No. 17.

Foreign Office, Tokio.
the 8th the 6th Month
the 11th year Meiji.

His Excellency
John A. Bingham
Envoy Extraordinary & Minister
Plenipotentiary of the U. S. A.
Sir:

I have the honor to acknowledge the receipt of Your Excellency's dispatch dated the 29th of May regarding the claim of Mr. Ambrose C. Dunn a citizen of the United States against the Japanese Petroleum Mining & Manufacturing Company in which you protest against the appeal of Hugo Dehn one of the Shareholders of

of the said company to the goto Saibansho to reverse its own judgment & that of the Daishinin in violation of the rules of the procedure in appeals to the Japanese courts &c. & c.

I beg leave to say in reply to Your Excellency that upon enquiry of the proper authorities respecting the matter, I am informed that the present petition of Hugo Doko against Mr Dunn in the Tokio goto Saibansho is of an entirely different nature from that formerly adjudged by the same court between the said parties.

The judgment rendered by the goto Saibansho, in favor of Mr. Dunn was simply a judgment against the Japanese Tobacco Mining & Manufacturing Company for the salary and other expenses due to Mr. Dunn by the provisions of

Art. 8. & 16 of an agreement between the said company and Mr. Dunn entered into on the 22nd of the 7th month of the 6th year of Meiji, and was not a judgment against the property of the individual members of the said company. At the hearing of the case both in the goto Saibansho and in the Daishin in no issue was made regarding the individual liability of the members of the company.

About the time the Tokio Saibansho issued its execution against the company as directed by the decree of the goto Saibansho as above required by Mr. Dunn requested the goto Saibansho to issue execution against the property of the individual members of the Company as provided by the terms of the 17th article of the said agreement and that

court did proceed to execution accordingly notwithstanding the objection raised by the members of the company thereto.

Koyo Doko in his petition to the Goto Saibansho alleges that Mr. Dunn had never brought any action against the individual shareholders of the company and judgment had never been rendered against the property of the individual members of the company by the Goto Saibansho nor had any decree been issued by the Goto Saibansho rendering the property of the individual shareholders of the company liable to execution for the amount adjudged by the said Saibansho, and also Koyo Doko alleges that the execution issued by the Tokio Saibansho is beyond the judgment rendered by the Goto Saibansho, and so he

he petitioned to the Goto Saibansho to annul the order of execution by the Tokio Saibansho but not to reverse its own judgment, which had formerly affirmed by the Daishinin.

Under these circumstances the Goto Saibansho entertained the petition of Keyo Doko and others, to enquire into and decide upon whether the provisions of section 17 of the agreement bind the shareholders of the Company to an individual responsibility for the liability of the company, and to that end the Goto Saibansho gave notice requiring Mr. Dunn to answer the petition of Keyo Doko, and also ordered the Tokio Saibansho to withhold execution against the shareholders of the said company. It need not be added

Therefore that the said appeal of Kuyo Dōkō to the Goto Saibansho is not in violation of the rules of procedure in appeals to the Japanese Courts, or of the treaty obligation of my government to the United States and to the citizens thereof.

I avail myself of this occasion to renew to Your Excellency the assurance of my highest consideration.

Terashima Munenori
H. I. J. M's Minister for
Foreign Affairs.

No 818 Enclosure 4.

Copy.

No. 737.

United States Legation
Tokei, Japan June 21, 1878.

His Excellency
Terashima Munenori,
His Imperial Japanese Majesty's
Minister for Foreign Affairs.

Sir:

Referring to Your Excellency's dispatch of date the 8th inst in relation to the claim of Mr. Dunn and in reply to my dispatch to you of date the 29th of May last I beg leave to say that I find therein no answer whatever to my dispatch No. 702. on the same subject which

I had the honor to address to Your Excellency on the 11th ultimo nor to my several other dispatches therein mentioned but only an attempt on your part to justify the appeal prayed for by Kuyo Doko whose Petition is now pending in the Goto Saibansho, by stating as Your Excellency does "that Mr. Dunn had never brought any action against the "individual members of the Company "and judgment had never been "rendered against the property of the "individual members of the Company "by the Goto Saibansho nor had any "decree been issued by the Goto Saibansho "rendering the property of the individual "shareholders of the Company liable to "Execution for the amount adjudged

"by the said Saibansho and therefore
"Koyo Soko alleges that the execution
" issued by the Tokio Saibansho is beyond
" the judgment wherefore he petitioned
" the Goto Saibansho to annul the order
" of Execution but not to revoke its own
" judgment."

This is the substance of Your Excellency's dispatch of the 8th instant. Permit me to say that when Mr. Dunn sued the Japanese Petroleum Mining and Manufacturing Company he sued its individual members and furnished their names to the Goto Saibansho, and when the Goto Saibansho rendered judgment in the case it rendered judgment against all the defendants being the individual members of the Company as the record sent to me by Your

Excellency shows and that the judgment so rendered enjoined that if the Company did not pay the same voluntarily and without delay the payment thereof should be enforced against the individual property of the members thereof who were the defendants in the suit and against whom the judgment was so rendered. It was not ordered by either the Goto Saibansho or the Daishinin that the individual members should not be jointly and severally compelled by execution of their property to pay the judgment because the said courts did solemnly adjudge that the contract sued upon by Mr. Dunn of date July 22d. 1878 remained was "in force" and obligatory upon each and all the defendants and because the same contract expressly

provides that the Company and its in=
dividual members shall be personally
responsible to pay said Dunns salary
as therein provided, and which salary
said Courts adjudged should be paid
by said dependants to said Dunn.
When the Goto Saibansho rendered
this judgment and the same was af=
firmed by the Supreme Court (the Daishinin)
every section of the contract was declared
to be binding in law and the judgment
so rendered was and is conclusive upon
all the dependants to the action including
Kugo Doko and all the other dependants
and binds him and all the others individ=
ually and collectively to the payment of
said judgment out of their individual
money and property. To say that the
judgment did not so provide is to say

that the Superior and Supreme Courts held the contract binding except in this that its provision that the salary and expenses of Mr. Dunn should be paid by the Company and its individual members was not binding, and therefore while he was entitled to his salary and expenses as adjudged to him and agreed to be paid to him by the company and its individual members nevertheless the members of the company should not be required to pay the same, and as the contract expressly releases the company's mines and their productions and the machinery and all other things needful to their working, from payment of the salary therefor it was never to be paid either by the company or its individual members. Such

a judgment would be absurd and as unjust as it would be absurd, and allow me to add that under the Treaty of 1858 between Japan and the United States of America no court of either country can so set aside and trifle with a contract lawfully made by and between an American citizen and Japanese subjects. As this contract has been finally adjudged lawful by both the Superior and Supreme Courts of His Imperial Japanese Majesty it must be respected and the judgment rendered upon it must be enforced.

As to the judgment not being against the individual property of the defendants, it is sufficient to say it was not a judgment against any property but against the persons who composed

the company and who by their legal contract bound themselves to be personally liable. In all money judgments it is the execution not the judgment that subjects the property of the defendants to seizure and sale to pay such judgment. Because such was the judgment of the Superior and Supreme Courts and such the provision and effect of the contract of July 22d 1873 and because the Tokio Saibansho after inexcusable delay ordered such execution against the individual property and effects of the defendants to compel payment of the judgment as said Tokio Saibansho was required to do by the law and by the very terms of the of the judgment. Keyo Doko filled his Petition for Appeal in the Toto Saibansho of date the 4th of May last

more than two and a half years after the Goto Saibansho gave its judgment and in his said petition said Kuyo Doko declares that the judgment of the Goto Saibansho was "that the salary should be paid to Mr. Dunn by the Petroleum Company;" but Kuyo Doko also declares in the same Petition "that it is unreasonable to require it (the judgment) to be paid out of the private property of the shareholders of the company" because he says the "share-holders did not assent to the contract entered into by Mr. Dunn and Mr. Ishizaka Shuzo a dependent of Yamaoka Tetsutaro of "Shidzuoka Ken on the 22d July 1873." What is this but asking the Goto Saibansho to reverse its own judgment made Oct. 30, 1875. wherein said Court adjudged that the said contract was made

by the company the dependants to the suit and that the same was in full force and binding in law and therefore they should pay the salary as adjudged according to said contract. With all respect I again submit that when the Jo to Saibansho gave judgment that the contract was in force and as Kugo (Doko declares in his Petition said court gave judgment "that the salary should be paid to Mr. Dunn by the Petroleum Company" it was a judgment against the company and all its individual members jointly and severally, and that the individual members were adjudged to pay the salary and expenses of Mr. Dunn for the very reason that the contract expressly so provides and also expressly provides that the company's

property its mines and the products thereof its machinery and all things needful to the working of the mines should not be security for Mr. Dunn's salary. (See 13. section of the said contract)

Again under the instruction of my government I protest against this Petition for Appeal and this needless delay and denial of justice in derogation not only of the rights of Mr. Dunn but of the guaranteed rights of my government as specifically assured by the Treaty of 1858. between Japan and the United States of America.

Allow me further to acquaint Your Excellency that Ishizaka Shuzo has within a few days past brought a suit in the United States Consulate at Yokohama upon this same contract

of 22d. July 1873 against Mr. Dunn
for Yen 253986 4/66
for house rent indemnity and for
breach by Mr. Dunn of said contract
all of which was settled and forever concluded
as to Ishizaka Shuzo by said judgment
of the Goto Saibansho of the 30th Oct. 1875
and affirmed by the Daishinin Dec. 27th
1876. As this proceeding of Ishizaka
Shuzo is without color of law or right
and is only another device for delay, I
protest against it and respectfully sug-
gest under the 12th Art. of the Treaty of 1858
that an order be issued by Your Excellency's
government that Mr. Ishizaka Shuzo
shall discontinue his sham proceeding
and not thus disregard the final judg-
ment of His Imperial Majesty's Courts
and the rights of Mr. Dunn as ad-

judged to him and also the Treaty rights of the United States that the just claim of Mr. Dunn shall be recovered through His Imperial Majesty's Courts without unnecessary delay according to the 6. Article of the same Treaty.

I beg leave to solicit of Your Excellency an early consideration of this communication and of its special request to the end that justice may be administered faithfully and without delay and that the Treaty rights of the United States and of Mr. Dunn an American citizen may be respected and no longer trifled with by His Imperial Japanese Majesty's Subjects.

Your Excellency further states in your despatch of the 8th inst. No. 19.

that in the Goto Saibansho or Daishinin (or Supreme Court) "no issue was made "regarding the individual liability of the "members of the company" In reply allow me to say that their individual liability was directly made an issue in both courts upon the contract sued upon of date 22. July 1873 and that in the written brief of date Nov. 13 1876 presented by Mr. Dunn to that Honorable Court wherein by paragraph 10 of said brief the attention of the Daishinin was especially called to the 13th Article of the Contract and the letter attached thereto releasing the mines of the Company, the products thereof, the machinery and all other things connected with their working from responsibility for Mr. Dunn's salary and also to the 17th Article of

of the Contract as to which Mr. Dunn stated to the Court in said brief that by said Art. 17 "each and every individual "of the said company is severally respon- "sible for the payment of said Plaintiff's "(Dunn's) salary." I hold the receipt of His Honor Kitabatake Harufusa Chief Judge of the Civil Department of the Daishinin dated 29th Nov. 1876 stating that he has seen said written brief so presented by Mr. Dunn, and this nearly a month before the final judgment was ren- dered. I beg Your Excellency's attention to your dispatch to me of date March 5th 1876 No. 19. wherein you report to me that Mr. Ishizaka Shuzo asked delay of payment of the judgment

and that it was arranged with Mr. Dunn's consent that the payment be postponed until Dec. 2d 1875.

Accept & pray Your Excellency the assurance of my high consideration.

(Sgd.) Jas. A. Bingham

No 818 Enclosure 6.

Government Office.

Kanagawa, Kanagawa.

Translation

Ishizaka Shuzo, president of Pitodunn Company, No. 26. Kanagawa Cho, Tokio, plaintiff.

against

A. C. Dunn U. S. Citizen at No. 6, Nagata-machi Tokio, defendant.

Claim for Yen 238986 44/100 for damages sustained by plaintiff.

A copy of agreement made between plaintiff and defendant on the 22, july 1873 is annexed.

The plaintiff's petition shows as follows:

1st. That on the 22nd, july 1873 defendant was employed by plaintiff as engineer, and the house No. 6. Nagata-machi belonging to

Nakamura Yasukata was leased for
dependants' use at a monthly rental of
Yen 80.

2d. Defendant having been discharged
on the 19th March 1874 by plaintiff, the former
was immediately notified to quit the said house

3d. Notwithstanding the notice to quit as
above stated which was frequently repeated
on subsequent occasions dependant ob-
stinately refused so to do, paid no attention
to plaintiff's representations and continu-
ued to dwell in the house: thereby occasion-
ing to plaintiff damage to the extent
of Yen 252029 """" for house rent,
internal fittings, indemnity, interest
&c—.

4th In March 1876 when plaintiff
was selling some of the Company's
machinery, dependant in contravention

of the agreement made by him and referred to in Article 13 of his contract, obstructed the sale, thus occasioning to plaintiff a further loss of Yen 1956 80 n.

5th. The sum total of the damages sustained by plaintiff at defendants' hands amounts to Yen 25378 46 cts as above stated, which sum I pray you to request the U. S. Consul General to cause defendant to pay to plaintiff together with such interest thereon as the Court may be pleased to award all documents, accounts &c in evidence will be placed before the Court at the hearing of the case.

(Signed) Shimidzu Gorosuke
of No. 5 Yanagi cho Yokohama
Attorney for plaintiff.

May 20, 1878

Nomura Yasushi Esq. Kanagawa Ken Gwa Kei.

No 818.

Enclosure 6.

Copy of Translation.

To Mr Dunn.

I have received your letter and am glad you are enjoying good health.

As to the money matters between yourself and the Petroleum Company I have become a middle-man, and on the 13th had a (personal) interview with you and have received your two letters, but from want of a competent interpreter cannot make out the meaning. Fearing some misunderstanding I propose to disregard all past correspondence

and make for the first time the following proposition:—
The amount which I as middle-man, knowing that you have suffered much from your long delay, propose to pay you is fifteen thousand yen paper money. If you will accept the above sum it will be paid to you at once.
If after consideration you are not satisfied with the above please make known your objections without hesitation.

(Sgd.) Kaiyeda Notuyoshi.
An officer of the 5th rank

June 20th, 1878.

I await your speedy answer.

Mr Bingham
Ack Aug 7.

No 819.

United States Legation,
Japan,
Tokei, June 28, 1878.

DEPARTMENT OF STATE
AUG
3
1878
RECEIVED

Mr Bingham
to the
Hon. Secretary of State.

Subject.

Enclosing meteorological tables from 16th April to 4th June, and tables for the months of February, March and April.

Enclosures.

Meteorological tables.

No 819.

United States Legation,
Japan,
Tokei, June 28, 1878.

Hon. William M. Evarts,
Secretary of State,
Washington D.C.

Sir:

I have the honor to enclose herewith reports of observations taken at the Imperial Meteorological Observatory, Tokei, from the 16th of April last to the 4th instant, also three tables for February, March and April.

I have the honor to be, Sir,
Your obedient servant,
Jno. A. Bingham

Disposed of by inst. June 27, 1879
Ack + file - C. P.
Ack'd Aug 7. M Berdan

No 820.



United States Legation,
Japan,
Tokei. June 28, 1878.

Mr Bingham
to the
Hon. Secretary of State.

Subject.

Lease of the premises in Tokei heretofore leased by the United States as Court House and Jail. The desirability of an Instruction upon the subject. Description of the location tendered by this Government to own own for the erection of Legation buildings.

No 820.

United States Legation,
Japan,
Tokei, June 28, 1878

Hon. William M. Evarts,
Secretary of State,
Washington, D.C.

Sir:

Referring to my No 747 of date the 20th of March last in relation to the renewal by me of the lease for Court House and Jail for the use of the Legation in Tokei under Section 4124, page 798 of Revised Statutes and in pursuance of a former Instruction therein recited, in which I acquainted you that I had made

made a renewal of the lease of the property heretofore leased for Court House and Jail, subject to your approval under said law. I now beg leave to acquaint you that I have not received any Instruction notifying me of your approval of said renewal of the lease either for one year or longer. You will observe that it was therein and thereby provided that said lease was made by me for one or more years, subject to your approval.

I had hoped the Congress would make the appropriation to build Legation houses and offices, as I had

recommended

recommended, on the ground
which this Government so
generously offered to give
to our Government in
perpetuity for that purpose.
One lot, which the Japanese
Government signified a wish
to assign and give to our
Government, subject to a
mere nominal ground rent
in future, contains about
two and a half English
acres, is well located and
elegantly and at great
expense improved by a
lake supplied by the tides,
a rock foundation wall for
fence and stone culverts
around the entire place,

many

many fine trees and shrubs and a large artificial mound, and is, in my opinion, cheap as it stands, without a house, at twelve thousand dollars ($12,000 ~~00~~,) and with such a house and appointments as twenty five thousand dollars ($25,000 ~~00~~,) or even twenty thousand, would place upon it, would be worth ~~Fifty~~ thousand dollars ($30,000 ~~00~~.)

But I suppose we must not hope that the act for the appropriation asked for will be passed, and it therefore only remains for me to again respectfully

submit

submit for your consideration and approval, as it may seem proper to you, the lease entered into by me under section 4124 of the Act of 1873, a copy of which lease was enclosed with my No 747.

It is very desirable to receive your Instruction on the subject as the case calls for repairs by the lessee.

I have the honor to be,

Sir,

Your obedient servant,

Wm. A. Kinghorn

Ack. 6. P.
Ack Asst S.

No 821.

DEPARTMENT OF STATE
AUG
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1878
RECEIVED

FOREIGN AFFAIRS
78

United States Legation,
Japan,
Tokei, June 29, 1878.

Mr Bingham
to the
Hon. Secretary of State.

Subject.

The Tokii Times relates the fact that the evening before his assassination Mr Okubo exhibited to friends a letter warning him of a plot against his life. Mr Bingham notes a similar occurrence previous to Mr Lincoln's assassination.

Enclosures.

Extract (duplicate) Tokii Times, June 28/78.

No 821.

United States Legation,
Japan,
Tokei, June 28, 1878.

Hon. William M. Evarts,
Secretary of State,
Washington D.C.

Sir:

Referring to my former despatches relating to the assassination of the late Minister of the Home Department, His Excy. Mr Okubo, I note in the Tokio Times of this morning a paragraph setting forth that on the evening preceding his murder the doomed Minister referring to a letter which he had received,

warning

warning him of a conspiracy
to take his life, produced the
letter to his friends at an en-
tertainment, and, after reading
it, said "one's fate and life
"must depend upon the decree
"of Heaven", and added "if my
"destiny has been fulfilled, my
"end must come, though I
"should be surrounded by —
"guards of soldiers" &c.
I enclose the statement as
published, and beg leave to
add that I am greatly im-
pressed with it because of
the fact that our martyr
President, Mr Lincoln, upon
the receipt (in November 1864)
by his faithful Secretary of
War

War, Mr Stanton, of the Selby
letter, in which the purpose
to assassinate the President
was expressly declared, said
to Mr Stanton, as the latter
informed me, that "if it was
" decreed he should die by the
" hands of assassins that it
" must be so, whatever precau-
" tions might be taken to avert
" their purpose." The Selby letter
of which I speak is published
in my argument on the
trial of President Lincoln's
assassins in the volume
on the trial by Moore, Wil-
tach and Baldwin, page 381,
and on page 73 of the printed
official copy of my argument.

J

I have the honor to be,

Sir,

Your obedient servant,

Jno. A. Bingham

No 821.

Enclosure.

Extract from the Tokio Times,

June 29, 1878.

That the late Minister of the Home Department held fatalistic convictions, would appear from the following anecdote, given by the *Akebono Shimbun*: "On the evening before His Excellency Mr. Okubo was murdered, he was invited to an entertainment given by General Hodzu. While the host and guests were conversing, Mr. Okubo took a letter from his pocket and showed it to the persons in the room, saying that the principal object of the writer was to warn him to take great care in going from home, either on official or private business, because there were some who secretly intended to kill him. He remarked that he did not know from whom this letter came, but he was very thankful to the considerate informer. He added, however, that he thought one who yielded himself to the welfare of the country and who desired to serve for the benefit of the people might often be frustrated in his endeavor by some unexpected injury from political opponents. He had thus devoted himself to public duties, but was not aware that he had such determined political adversaries. Nevertheless, one's fate and life must depend upon the decree of heaven. If his destiny had been already fulfilled, his end must come, though he should constantly be surrounded by guards of soldiers or policemen. On the contrary, if his career were still unfinished, though many might seek to slay him, yet they could not succeed. In his own case, should it be decreed that he must meet a violent end, he would only be giving up his life for the political ends he had always aimed at, and he would accept his downfall without a murmur. Unexpectedly he was assassinated at Ki-o-i Cho on the following morning."

No 821.

Enclosure (duplicate)

Extract from the Tokio Times,

June 29, 1878.

That the late Minister of the Home Department held [illegible] convictions, would appear from the following anecdote, given by the *Asahi Shimbun*: "On the evening before His Excellency Mr. Okubo was murdered, he was invited to an entertainment given by General Nodzu. While the host and guests were conversing, Mr. Okubo took a letter from his pocket and showed it to the persons in the room, saying that the principal object of the writer was to warn him to take great care in going from home, either on official or private business, because there were some who secretly intended to kill him. He remarked that he did not know from whom this letter came, but he was very thankful to the considerate fellowman. He added, however, that he thought one who yielded himself to the welfare of the country and who desired to serve for the benefit of the people might often be frustrated in his endeavor by some unexpected injury from political opponents. He had thus devoted himself to public duties, but was not aware that he had such determined political adversaries. Nevertheless, one's fate and life must depend upon the decree of heaven. If his destiny had been already fulfilled, his end must come, though he should constantly be surrounded by guards of soldiers or policemen. On the contrary, if his career were still unfinished, though many might seek to slay him, yet they could not succeed. In his own case, should it be decreed that he must meet a violent end, he would only be giving up his life for the political ends he had always aimed at, and he would accept his downfall without a murmur. Unexpectedly he was assassinated at Ki-o-i Cho on the following morning."

Ans? per draft Aug 5.
C.S.

No 822 W Berdan



United States Legation,
Japan,
Tokei, June 29, 1878.

Mr Bingham
to the
Hon. Secretary of State.

Subject.

The final action in the matter of the judgment of Antoine C. Dunn against the Japanese Petroleum Mining and Manufacturing Company, and the full payment thereof to Mr Dunn and the acquittance of all pending complaints of the Company against him.

Enclosures.

1.

1. Offer of payment of full amount of claim - June 27, 1878.

2. Receipt of Dunn - June 29/78.

3. Acquittance of Kaieda - " 29 "

No 822

United States Legation,
Japan,
Tokii, June 29, 1878.

Hon. William M. Evarts,
Secretary of State,
Washington, D.C.

Sir:

Referring to my No 818 in relation to the judgment in favor of Montrose C. Dunn, an American citizen, against the Japanese Petroleum Mining and Manufacturing Company, I take pleasure in saying that on the 28th instant the middleman referred to in my No 818, Kaieda Nobuyoshi, delivered to

Mr

Mr Dunn a Japanese writing,
1/823 called a "verbal statement," a
translation of which is herewith,
proposing to pay the full amount
of the judgment on the 29th inst.,
towit: Twenty two thousand seven
hundred and ninety eight yen
sixty three sen two rin and
five mo (yen 22,798 6325) in
Japanese silver coin at the
Mitsui Bank, Tokii. On this
day the same was paid by
said middleman, being an
officer of the fifth rank,
to Mr Dunn in paper
yen (which Mr Dunn pre-
ferred) to an amount equiv-
alent to the said sum above
mentioned, towit: paper yen

Twenty

Twenty four thousand two
hundred (24,200) as evidenced
by the receipt of Mr Dunn
and the acquittance of the
middleman Kaieda Nobuyoshi,
officer of the fifth rank,
3/
823 copies of which receipt and
acquittance are herewith.

Having, as stated in
my No 818, in my conversation
of the 22d instant with the
Foreign Minister, especially
brought the intervention of
this middleman to the notice
of His Excellency, and it being
clear to my mind that the
Foreign Minister approved of,
and was really party to this
intervention of Kaieda Nobuyoshi,

J

I am of opinion that the paper delivered by Kaieda Nobuyoshi to Mr Dunn (enclosure 3) forever bars the said Company and all its members from further proceeding their proceedings in appeal now pending and also their suit now pending against Mr Dunn in our Consular Court at Yokohama, inasmuch as it is therein declared that "the Company "has no reason for complaint, "and therefore all complaints "made by the Company against "Mr Dunn now pending are "from this time to be withdrawn".

I shall so treat the matter in the absence of further instructions

instructions from you, and shall insist upon the dismissal of all the appeals and also of the suit in our Consular Court in the name of Ishizaka Shugo, President of the Company, but in which the Company is in fact the sole party in interest.

Hoping that my action as herein set forth may meet your approval and especially requesting your instructions in relation to the same,

I have the honor to be,

Sir,

Your obedient servant,

Wm. A. Kingham

No 822.

Enclosure 1.

Copy of translation.

Verbal statement.

To Mr Denny.

Japanese silver coin Twenty two thousand seven hundred and ninety eight yen, sixty three sen, two rin and five mo.

The above silver coin to be paid the 29th inst. at 9 o'clock A.M. at which time you are to meet us at Mitsui's Bank, bringing with you an interpreter.

Sgd.)

(Sgd.) Kaida Nobuyoshi.

27th of 6th month of
11th year of Meiji.
(Received June 28th, 1878.)

No 822.

Enclosure 2.

Copy.

Receipt.

Japanese silver coin Twenty two thousand seven hundred and ninety eight yen, sixty three sen two rin and five mo, equal to Twenty four thousand two hundred paper yen.

Received the above amount of paper yen through Your Honor's intervention in the matter of the controversy between me and the Japanese Petroleum Mining and Manufacturing Company.

Hereafter there is to be no more said or done

in the matter of said Contract which is in every point settled.

(Sgd.) A. C. Dunn (Seal)

To Mr Kaieda Nobuyoshi

29th day 6th month, year 1878.

This receipt is a correct translation of the Japanese receipt given of the date therein named, signed and delivered in my presence June 29th 1878.

(Sgd.) David Thompson,
Interpreter to the U.S. Legation.

No 822

Enclosure 3.

Copy of Translation.

The sum of Twenty four thousand two hundred paper yen Japanese money, the amount due by contract as determined by the judgment against the Japanese Petroleum Mining and Manufacturing Company being paid over, it is now declared that the Company has no reason for complaint, and therefore all complaints made by the Company against Mr Dunn now pending are from this time to be withdrawn.

(Sgd.) Kaieda Nobuyoshi. (Seal)

An

An officer of the 5th rank
and soldier of Kagoshima
Ken.
29th of 6th month of
11th year of Meiji.
(June 29. 1878.)

To Mr A. G. Dunn.

The document of which the foregoing
is a translation was signed and
delivered in my presence this
29th day of June 1878.

(Sgd.) David Thompson,
Interpreter to the
U.S. Legation Japan.

Mr Burdan
Mr Doherty

Tokei, Japan,
June 30, 1878.

Sewellon A. Brown Esq
" " "
Washington, D.C.

My Dear Sir

You will notice that the strap of the despatch pouch sent by this mail has been cut. On three occasions recently we have been obliged to cut the straps of the pouches received from the Department as none of the three keys which we have

fitted. It is not possible to obtain duplicate keys in Tokei. The keys which we have are all alike, and are of the smallest and simplest kind.
I would be greatly obliged for extra keys, if you have them to spare.

Yours very truly,

D. C. Stewart.

Wm Berdan

Ack^d August 7.

No 823.



United States Legation,
Japan,
Tokei, July 9, 1878.

Mr Bingham
to the
Hon. Secretary of State.

Subject.

Instructions 352, 353 and 354,
and books for Rev. Mr Greene received.

No 823.

United States Legation,
Japan,
Tokei, July 9, 1878.

Hon. William M. Evarts,
Secretary of State,
Washington, D.C.

Sir:

I have the honor to acknowledge the receipt of Instructions numbered 352, 353 and 354, respectively, and also special Instruction of date the 25th of May last, inclosing a compendium of the Ninth Census and a volume of Foreign Relations of the United States for 1877, — which volumes, as requested by you, I will take pleasure in

forwarding

forwarding to the Reverend Daniel C. Greene upon his return to Yokohama from the country.

I have the honor to be,

Sir,

Your obedient servant,

H. A. Bingham

W. Berdan

Ack Aug 7.

No 824.



United States Legation,

Japan,

Tokei, July 9, 1878.

Mr Bingham

to the

Hon. Secretary of State.

Subject.

Application has been made to the Japanese Government for an exequatur to Mr Benson under his appointment as Vice Consul.

No 824.

United States Legation,
Japan.
Tokei, July 9, 1878.

Hon. William M. Evarts,
Secretary of State,
Washington, D.C.

Sir:

Referring to Instruction No 352 of date the 17th of May last enclosing a certificate of the appointment of Edward Sewall Benson as Vice Consul of the United States at Osaka, Japan, I have the honor to acquaint you that I have in due form applied to the Imperial Government of Japan for an exequatur to be

granted

granted to Mr Benson in his Consular capacity, which as soon as received I will transmit as instructed, together with the certificate to Mr Benson, through the Consul General.

I have the honor to be,

Sir,

Your obedient servant,

Wm A. Bingham

In Judge O'Connor's report of Dec. 6. 1878.

No 825. Acted with approval Dec. 7. Mr Bell.

Judge O'Connor



United States Legation,

Japan,

Tokei, July 10th, 1878.

Mr Bingham

to the

Hon. Secretary of State.

Subject.

The complaint made by the Consul General to the Japanese Governor of Kanagawa, in the matter of a private contract for ice, and by the Consul General submitted to Mr Bingham. Mr Bingham sets out copies of his despatch to Mr Terashima and the latter's reply, and also copies of several of his despatches to the Consul General, and calls special attention to his reason for declining to take further diplomatic action, as urged by the Consul General, until Mr Goodman shall first Exhaust his civil remedy.

Enclosures.

Enclosures.

1. Mr Bingham to Mr Terashima. May 28, 1878.
2. Mr Terashima to Mr Bingham. June 7, "
3. Mr Bingham to Mr Van Buren " 14 "
4. " " " " " " 25 "
5. " " " " " July 9. "

No 825.

United States Legation,
Japan,
Tokei, July 10th 1878.

Hon. William M. Evarts,
Secretary of State,
Washington, D.C.

Sir:

I have the honor to acquaint you that Consul General Van Buren on the 10th of July last transmitted to me copies of a correspondence between himself and the Japanese Governor of Kanagawa (Yokohama) in relation to a private contract for ice made by Mr Goodman, an American citizen, with

certain

certain Japanese subjects.

It appears by the Consul Gen=
eral's enclosures that on the
26th of April last he enquired
of the Governor "what action, if
"any, had been taken by him
"in regard to the ice gath=
"ered by Japanese subjects
"for Mr Goodman". After reply
by the Governor, rejoinder &c.,
it also appears that on the
8th of July last the Governor
said to the Consul that
"admitting the ice to be Mr
"Goodman's property, he had
"no right to take delivery of it
"outside of the open port".

Believing the action of the Gov=
ernor to be in contravention of

the

the treaty, I addressed a despatch
to the Foreign Office on the subject
1/825 on the 28th of July last, a copy of
3/825 which, together with a copy of
Mr Terashima's reply thereto, is
herewith. You will observe
that I enquired in my des=
patch of the 28th of July to the
Foreign Office on what ground
the Governor of Kanagawa "in=
"terfered with the execution" of
the contract of Japanese subjects
with Mr Goodman; and you
will also observe that in his
reply herewith the Foreign
Minister says that by the
Imperial law the sale or delivery
of impure ice was prohibited, and
that the ice in question "being

impure

"impure and injurious to the
"public health, the Governor
"prevented delivery thereof, as
"by law he was required to do."

On the 11th ultimo, and
in reply to the Consul General's
despatch of the 10th of May I fully
advised him of my action with
this Government and of Mr
Terashima's reply, and concluded
by acquainting him that "nothing
"remained to be done further
"in the premises until Mr
"Goodman first Exhausts his
"remedy by civil action in the Japanese
"Courts against the parties liable
"for breach of the contract."

This ought, in my opinion, to have
concluded the action of the Consul

General

General with me, but on the 12th
ultimo he addressed to me another
despatch on the subject, in which he
states, among other things, that
there was no law prohibiting the
sale and delivery of the ice at
the date of contract (which date
he did not give) and also that in
the opinion of physicians "it is
"impossible for ice to hold or convey
"the germs of diseases" &c., and adding
that it would "be humiliating for
"him to humbly acquiesce by advising
"Mr Goodman to seek his remedy
"in Japanese Courts." Not supposing
the Consul General to be above
the laws and regulations of our
Government, I replied to his
despatch of the 12th ultimo by a

despatch

despatch of date the 14th ultimo, a
3/824 copy of which is herewith.
You will observe that in this
despatch I fully acquainted the
Consul General of my action, and
again repeated that under my
instructions I could not further
interfere until Mr Goodnow
should have exhausted his civil
remedy for breach of his contract.
The Consul General, still un-
satisfied, on the 15th ultimo ad-
dressed to me another despatch
asking a disavowal by this
Government of the positions
assumed by the Governor as
to the place of contract &c. (all
of which, as I advised him, had
been ignored by the Japanese
Government

Government,) and asking of me my opinion whether the contract, if made before the law prohibiting the sale or delivery of impure ice, could be impaired by such law, to which I replied on the 25th ultimo, that I "did not consider "it any part of my duty to decide "upon disputed or assumed facts "as to the rights of American citi- "zens arising upon a private "contract made between them "and Japanese subjects until the "rights of the parties are first "judicially passed upon". I have the honor to enclose herewith a copy of my despatch of the 25th ultimo.

4/525

Not yet satisfied with his persistent

persistent efforts to coerce me
into a demand upon this
Government (in violation of
all my instructions general
and special) for damages
arising upon the breach of a
private contract, the Consul
General addressed to me
another despatch on the 26th
ultimo on the same subject, in
which he informed me that "the
"Goodmans conceive it will be
"impossible for him to recover
"in a legal proceeding against
"the parties with whom he contracted
"as he is informed they are very
"poor men". To this I replied on
the 4th instant, to the effect that
I could not demand of this

Government

5/82

Government damages for the breach of a private contract made by Mr Goodman with Japanese subjects upon the mere statement made by Mr Goodman, a copy of which reply made by me to the Consul General is herewith.

5/825

My action in this matter has been governed by Personal Instructions Article 31, that "in no event shall the United States Diplomatic Agent interpose when the claim is founded upon contract without specific instructions", and also upon the special instructions of yourself and your honorable predecessor, that in cases of mere private

Contract

contract the party must first exhaust his civil remedy, as provided by the treaty of 1858, before there shall be any diplomatic interference, save where there is a denial of justice.

I am the more confirmed in the action taken by me in the premises from the fact that the Consul General pursued substantially the same course in the case of Elmer, the United States Consular jailer, referred to in my No 333 to the Department, in which my action was substantially the same, and met the approval, I am pleased to say, of the Department, as has been my action in the

Case

case of Mr Goodnow now communicated.
I may also be allowed to say that
in my action in this case, as in
that, I assumed that under Personal
Instructions, section 33, the Consul-
General was subject to my direction
in the premises; that under section
1738, Revised Statutes, the Consul-
General had no authority to exercise
diplomatic functions; and that under
section 5335 of the Revised Statutes
the Consul General had no right
to carry on a written correspon-
dence with me with intent to
influence through me indirectly
the action of this Government in
contravention of my instructions.
It is for this reason that I
bring the action of the Consul General

to

to your attention, to the end that like Consular action may not be taken hereafter, should you concur with me in the views herein expressed.

I trust that my action herein may meet your approval.

I have the honor to be,

Sir,

Your obedient servant,

Wm A Pennington

No 825.

Enclosure 1.

Copy.

No 720.

United States Legation,
Tokei, May 28, 1878.

H.E. Terashima Munenori,
H.I.J.M's Minister for Foreign Affairs,
Sir:

I beg leave to acquaint Y.E. that on the 11th inst. I received a communication from Mr Van Buren, the U.S. Consul General, inclosing a correspondence with the Governor of Kanagawa, by which it appears that the Governor prohibits the delivery of certain ice contracted to be delivered by certain Japanese

subjects to Mr Goodman, an American citizen, who had purchased the same from said Japanese subjects, and advanced large sums of money to them upon their contract to make such delivery.

I respectfully request Y.E. to inform me on what ground the Governor interferes with the execution by the Japanese of their contract with Mr Goodman. It appears by the correspondence of the Governor and the Consul General that the contract was made in Yokohama and that large advances of money were made on the contract to the Japanese subjects by Mr Goodman, and it also appears that the ice was made within the limits of

Yokohama. The Governor's statement that the reason of his intervention was that "the contract was made "outside of the treaty port" does not seem to be longer relied upon by him, as he states afterward in his note of the 8th of May that "the the Contract was made "in Yokohama the goods (sic) in "question are outside the open port." Therefore, says the Governor, admitting the property to be in Mr Goodman, he has no right to take possession of it "outside "of the open port."

It cannot be that the treaty rights of American Citizens can be thus divested by the act of the Governor of Yokohama.

I respectfully submit to Y.E. that an order be issued to the Governor to allow the delivery of the ice in accordance with the contract made with Mr Goodman.

I have the honor to be, Sir,

Your obedient Servant,

(Sgd) Jno. A. Bingham

No 825.

Enclosure 2.

Copy of Translation.

No 15. Foreign Office, Tokio,

The 7th of the 6th month

The 11th year Meiji.

H.E. John A. Bingham,

E.E. and M.P. of the U.S.A.

Sir:

I have the honor to acknowledge the receipt of Y.Ex. letter of date the 28th ultimo, in which you state that you have received a communication from Mr Van Buren, U.S. Consul General at Yokohama, to the effect that the Governor of Yokohama prohibits the delivery of a quantity of ice

which had been sold by Japanese subjects to Mr Goodman, and you request me to inform you on what ground the Governor interferes with the execution by Japanese subjects of their contract with Mr Goodman.

I have made enquiries of the Governor on the subject, and having received a full report from him, I now beg to answer Your enquiry.

It appears that a contract was made in Yokohama between Mr Goodman and certain Japanese for the delivery to the former of a quantity of ice. Before the ice in question was delivered into Mr Goodman's possession, it came to the knowledge of the Governor of Kanagawa that said ice was

impure and injurious to the public health, and in consequence thereof, as it was in violation of the laws of Japan, the Governor gave orders to stop the delivery of the ice, as he was in duty bound to do.

Seeing that the nature of the ice in question was in violation of Japanese law and that it was yet in the possession of Japanese subjects, it will be apparent to Yr. E. that the Governor in prohibiting its delivery, only exercised his rightful authority.

It does not appear to me therefore that the Governor of Kanagawa has interfered with the execution of any lawful contract between Japanese subjects and Americans, and

I am compelled to decline compliance with Y.E's. request to order the Governor of Kanagawa to allow the delivery of the ice in question to Mr Goodman, but it is scarcely necessary for me to add that every facility will be afforded Mr Goodman on the part of the judicial officers of Yokohama to secure for him the return of the sum advanced for the ice if he requests.

I avail myself of this occasion to renew to Y.E. the assurance of my highest consideration

(Sgd.) Terashima Munenori,

H. I. J. M's. Minister for Foreign Affs.

No 825.

Enclosure 3.

Copy.

No 584.

United States Legation,
Tokei, June 14, 1878.

Thomas B. Van Buren Esq.
U. S. Consul General,
Kanagawa.

Sir:

Referring to your despatch of the 12th inst. received by me yesterday, in relation to the Government's ice contract, I have to say that in my despatch to the Foreign Office on this subject, of date the 28th of May last

I especially stated that the Kanagawa Governor assigned as reasons for his intervention to prevent the delivery of the ice to Mr Goodman, that "the contract "was made outside of the treaty "port", and also, seemingly atten- doning this, further stated in his letter of the 8th ultimo to you that "this the contract "was made in Yokohama, the "goods (ice) in question are "outside the open port", and therefore, the Governor declared "admitting the property to be "in Mr Goodman, he has no "right to take possession of it "outside of the open port." And following this, I said further

in my note of the 28th ultimo
to Mr Terashima that "it cannot
"be that the treaty rights of American
"citizens can be thus dictated by
"the act of the Governor of Kan=
"agawa" and therefore I re=
quested that "an order be issued
"to the Governor of Kanagawa
"to allow the delivery of the
"ice in accordance with the
"contract made with Mr Goodman".

As I advised you in
my note of the 11th inst., the
Foreign Minister places the intervention
of the Governor exclusively on the
ground that the ice was impure
and injurious to the public
health, and, therefore, that its
sale had been prohibited by

the laws of Japan. The reason expressly and exclusively assigned by the Foreign Minister for the intervention of the Governor necessarily excludes any and all other reasons and especially those assigned by the Governor as above stated; and I may add that the reply of the Foreign Minister may and ought to be accepted as a repudiation of the two propositions of the Governor that he could prevent delivery of the goods because not purchased in the open port, or because the same remained outside of the open port. You may, therefore,

consider the Governor's reasons
as rejected by the Imperial
Government.
It seems to me, as I before
advised you, that under
my instructions nothing further
remains for me to do in the
matter until Mr Goodman ex-
hausts his civil remedy for breach
of his contract, especially in view
of the assurance of the Foreign
Minister to me that "every
"facility will be afforded Mr
"Goodman on the part of the
"judicial officers of Yokohama
"to secure for him the return
"of the sum advanced for the
"ice."
You will not issue, I trust,

any notice, as you suggest in your note of the 12th instant to American citizens, "not to "to purchase anything outside "the open port of Yokohama".

I am, Sir,

Your obedient servant

(Sgd.) Jas. A. Bingham

No 825.

Enclosure 4.

Copy.

No 588.

United States Legation,
Tokei, June 25, 878.

Thomas B. Van Buren Esq
U. S. Consul General,
Kanagawa,

Sir:

Referring to your despatch of the 15th instant in relation to Mr Goodman's claim for ice, I have to say that my despatch of the 11th instant was not intended to suggest that Mr Goodman was not entitled in a suit "against the

parties

"parties liable for breach of the
"contract" made with him to recover
the full damages in law resultant
from the breach thereof, inasmuch
as by treaty American citizens
are assured the right to a remedy
in the Japanese Courts for the
recovery of their just claims
against Japanese. I cannot
assume that there will be a denial
of justice to Mr Goodman in
those Courts, as you suggest
in your despatch there may
be, until he first institutes
his proceeding and demands
the judicial enforcement of his
rights.

The unwarranted statements of
the Governor of Kanagawa, that

Mr

Mr Goodman's contract was void because not made in the port of Yokohama, and, if made there, not to be enforced because the ice was outside of the limits of the port, deserve no further notice, as the same are entirely ignored and excluded from consideration by the Imperial Government as I have before advised you.

In reference to the question which you raise by the statement in your despatch, "granting the "perfect right of the authorities "to issue such an order (forbidding "the sale or delivery of impure ice) "I ask you (me) if it can be made "to so operate retrospectively as to

deprive

"deprive an American citizen of
"property which he rightfully
"acquired before the order cited,"
I have to say that I do not consider
it any part of my duty to decide
upon disputed or assumed facts
as to the rights of American citi-
zens arising upon a private
contract made between them and
Japanese subjects until the rights
of the parties are first judicially
passed upon.

I am, Sir,

Your obedient servant,

(Sgd.) Jno. A. Bingham.

No 825.

Enclosure 5.

Copy.

No 598.

United States Legation,
Tokei, July 9. 878.

Thomas B. Van Buren Esq,
U. S. Consul General,
Kanagawa,

Sir:

Referring to your No 3320 of date the 26th ultimo in relation to Mr Goodmen's contract for ice, I have to say, as I before advised you, that under my instructions I am not authorized to try and determine by

diplomatic

diplomatic action the rights of American citizens arising upon private contracts made by them with Japanese subjects until they shall have first exhausted their civil remedy assured to them by treaty for breach of their contract. I cannot proceed upon Mr Goodman's statement, as you report it to me, to make a claim against this Government for breach of a private contract on the ground that "Mr Goodman "conceives it will be impossible "for him to recover in a "legal proceeding against the "parties with whom he contracted

"treated as he is informed they
"are very poor men".

I am, Sir,

Your obedient Servant,

(Sgd.) Jno. A. Bingham

Ack^d August 7.

No 826. Berdan



United States Legation,
Japan,
Tokei, July 10, 1878.

Mr Bingham
to the
Hon. Secretary of State.

Subject.

Acknowledging the receipt of the copy of Wheaton's Elements of International Law forwarded by the Department.

No 826.

United States Legation,
Japan,
Tokei, July 10th 1878.

Hon. William M. Evarts,
Secretary of State,
Washington, D.C.

Sir:

I beg leave especially to acknowledge the receipt of the volume of Wheaton's Elements of International Law, which you were pleased to forward upon my request for the library of this Legation.

The volume has been placed in the Legation Library and in it is written by me that the volume

is the property of the United States and is placed in their Legation in Japan to be kept therein.

Be pleased to accept my thanks for the greatly valued work.

I have the honor to be,

Sir,

Your obedient servant,

Jno. A. Bingham

Ack - approve
L. P.

did so August 8.
M Berdan

No 827.



United States Legation,
Japan,
Tokei, July 11, 1878.

Mr Bingham
to the
Hon. Secretary of State.

Subject.

Mr Brown, Consul Genl. of Hawaii in Japan, resigns his office. The Hawaiian Minister for Foreign Affairs notifies him that any American whom the U.S. Minister in Japan will recommend will be appointed to the office. Mr Bingham recommends Mr H. P. Lillibridge.

Enclosure.

Mr Bingham to Mr Peirce, July 2, 1878.

No 827.

United States Legation,
Japan,
Tokei, July 11, 1878.

Hon. William M. Evarts,
Secretary of State,
Washington D.C.

Sir:

I have the honor to acquaint you that R. M. Brown Esq, late the Consul General of His Hawaiian Majesty in Japan, resigned and transmitted to me a communication of the Honorable Henry Peirce, His Majesty's Minister for Foreign Affairs, in which the Foreign Minister, referring to Mr Brown's resignation

of

of said office of Consul General, said that any American whom the United States Minister in Japan might recommend would be appointed Consul General of His Hawaiian Majesty in Japan.

Accordingly the action of the Minister for Foreign Affairs of Hawaii (who is, as you know, an American) to be in accord with the Monroe doctrine, I did on the 2d instant recommend the appointment of Mr Harlan Page Lillibridge, a "natural born citizen" of the United States resident in Japan, and beg leave to enclose herewith a copy of my letter to the Minister for Foreign Affairs of Hawaii.

I

I have long thought that while we avoid "all in- "tangling alliances" with the European States, we should assert our supremacy in the affairs of North and South America.

I trust that my action in this matter, as on a former occasion like action by me received the approval of your Honorable predecessor, may accord with your judgment and meet your approval.

In the absence of special instructions I esteem it my duty to do whatever in my opinion is fit to be done in the furtherance of the interests of the United States of America.

I

I have the honor to be,

Sir,

Your obedient Servant,

Jno. A. Singleton

No 827.

Enclosure.

Copy.

No 597.

United States Legation,
Tokei, July 2, 1878.

Honorable Henry A. Peirce,
His Hawaiian Majesty's Minister
for Foreign Affairs,

Sir:

I have the honor to inform you that I am in receipt of a letter of this date addressed to me by R. M. Brown Esq, acquainting me that he has resigned the office of Consul General in Japan of H. H. M, and suggesting to

me the name of Mr Harlan Page Lillibridge, a native born American citizen resident in Yokohama, as a suitable person to represent H. H. M. in the quality of Consul General in Japan, at the same time transmitting to me Y. Ex. communication of date March 5, 1878, in which you are pleased to instruct Mr Brown to consult with me on the subject of his successor and in which Y.E. also was pleased to say that Mr Brown should request me to "name some American citizen" resident at Yokohama whom I could recommend "for appointment "to the office of His Hawaiian Majesty's "Consul General for Japan".

I beg leave to thank Yr. E. for the consideration thus shown to our Government in this matter, and also for the confidence manifested in myself, and take pleasure in recommending the appointment of Mr. Lillibridge, above named, of whom I can say that I know him well, and that, if appointed to the trust, he will prove honest, faithful and capable, and will discharge all his duties to the entire satisfaction of H. H. M's Government.

I avail myself of this opportunity to tender to Yr. E. the assurance of my high consideration.

(Sgd.) Jno. A. Bingham

Rec'd. Aug. 7.

Ack

Mr Bingham

No 828.



United States Legation,

Japan.

Tokei, July 12, 1878.

Mr Bingham

to the

Hon. Secretary of State.

Subject.

The tariff revision project hitherto referred to in No 802.

Mr Bingham encloses publications of the Gazette and Herald to the effect that the project therein printed was submitted by the Japanese Govt. thro' its Minister, Mr Tanenshima, to the German Govt., which statement, Mr Bingham is assured is not true; that, on the contrary, the project was procured by the British Minister as a private document and was forwarded by him to England.

Enclosures

Enclosures.

1. Extract from the Japan Gazette, July 3/78
2. " " " " " Herald " 4 "
3. Mr Brigham to Mr Terashima " 6 "
4. Mr Terashima to Mr Brigham " 13 "
5. Projet communicated to Sir Harry Parkes by Mr Okuma in November, 1877.

No 828.

United States Legation,
Japan,
Tokei, July 12, 1878.

Hon. William M. Evarts,
Secretary of State,
Washington D.C.

Sir:

Referring to my No 802 of the 4th ultimo in relation to the tariff revision with Japan, fixing specifically the rates of duties on foreign imports and prescribing for this Empire a free list, I now have the honor to acquaint you that on the 3d and 4th instant in the Japan Gazette and the Japan Herald, dated, respectively, as above, the proposed revision of

which

which I made mention, in my
No 802 was partially published.
1 and 2/ Herewith I enclose from each
838 of these journals the revision and
their respective comments thereon,
(Enclosures 1 and 2.)
You will observe that the editor
of the Gazette declares that the
"revision was "proposed by the
"Japanese Government", and adds
that "doubtless copies have been
"furnished to the Governments of
"the Treaty Powers", taking care to
declare that "Mr Sameshima
"(Japanese Envoy to France) has
"submitted the document to the
"German Government, by whom
"it has been referred to the
"Hamburg Chamber of Commerce,
with

"with the request that the latter
"would consider and report upon
"it".

It was enough, one would think,
for these English journals to falsely
state that this revision expressed
the views of the Japanese Government
and was proposed thereby, without
entering their protest, as they do, —
against allowing this Government,
by leave of the Treaty Powers, the
poor privilege of imposing the
duties therein prescribed, when in
fact the Japanese Government did
not propose the revision published
or any other revision fixing a specific
rate of duties as these truculent
editors state.

On the 6th instant I addressed to

His

His Excellency Mr Terashima, the Japanese Minister for Foreign Affairs, 3/1928 a note on the subject, a copy of which is herewith (Enclosure 3,) and 4/1928 also a copy of his reply thereto (Enclosure 4.) You will observe that the Foreign Minister avers that no such proposition has been made by his Government.

I beg leave to say also that His Excellency Mr Okuma, the Minister of Finance, has assured me that he made out in November last a private statement and delivered it to Sir Harry S. Parkes after much importunity by Sir Harry and Mr Morrisey, the British Secretary of Legation, that he should do so, but that the

statement

statement was not intended to express and did not express the views of His Imperial Japanese Majesty's Government, and was in fact intended only to show how the Finance Minister might, if his Government were permitted to regulate its foreign commerce, increase its revenue. I have the honor to enclose a copy of the statement of the Minister of Finance so furnished to the British Minister. (Enclosure 5.)

It seems that this statement thus procured was sent by the British Legation to the English Government, and was sent by that Government to the German Government, and thus after sadly mutilating the private statement

of

of the Finance Minister, the statement is given to the public as the proposition of the Japanese Government through the British press in Japan.

In this connection I beg leave to refer to my Nos. 779, 791 and 792, and also to my despatches numbered 723, 725 and 769 in regard to the introduction of medicinal opium into Japan in contravention of existing treaties and against the expressed will of this Government. By referring to the second paragraph of the reported revision as published in the Gazette and Herald you will observe that nothing is said of opium or morphia in the list of articles subject to a specific duty of 5 per cent, but by referring

to

to the statement of the Finance Minister herewith you will notice that among the articles subject to a specific duty of five per cent is morphia. It is no answer to say that opium is in the statement prohibited. In the existing treaties opium in all forms is prohibited, but here we have the exception of morphia at five per cent duty, which will, I apprehend, answer all the purposes of England, and, if adopted, make Japan, like China, a contributor to the British exchequer at the expense of the lives of her people. How morphia came into the list of imports at five per cent in the statement of the Finance Minister, you can conjecture as well as I when you consider how

the

the statement came to be made and the uses to which it has been put without the consent either of the Finance Minister or of this Government. It is not needful that I should say more than this, that it seems from what is herein stated England treats "co-operation" in Japan, as I have before represented to the Department, as a mere device to use our Government for her own benefit, to the hurt of Japan and to the injury of our own interests.

Permit me to say that you have a great opportunity to crown the Government which you so honorably represent with the greatness of justice, by simply doing

justice

justice to Japan, as this Government has humbly petitioned, by giving back to this Government the power, on the conditions named in the proposition hitherto submitted to our Government, to regulate its own commerce with the United States, precisely as our Government regulates its commerce with Japan. I am sure that such action on your part cannot fail to bind all this people more closely to ours, and for all time to give to our Government a controlling influence in this Empire and greatly increase our imports to Japan. I beg leave again to repeat that it is of prime importance that our Government should be the first to do justice to Japan in

this

matter, which so closely touches the honor and interests of this people, as it also, in my opinion, touches our own honor and interests. This Government having neither considered nor in any way authorized the presentation of this project, or of any project specifying the rate of duties to be laid in Japan under a revised tariff, declares itself grieved and wronged by the proceeding as published. The Herald, as you will note, proclaims that "in the revision of "the commercial tariff of Japan "England naturally takes the lead". In this instance, as I am advised, England takes the lead by obtaining from the Finance Minister of Japan

the

the private statement which is inclosed and forwarding it first to England and afterwards to Germany, where it is treated as an official proposition of Japan to withdraw all that this Government before asked and to request that commercial restrictions as before shall be imposed upon this Government by the Foreign Powers in a revised treaty!

I am assured that Mr Sameshima did not transmit the proposition to the German Government as stated by the Gazette.

I have the honor to be, Sir,

Your obedient servant,

Wm A. Bingham

No 828.

Enclosure 1.

Extract from the Japan Gazette, July 3, 1878.

PROPOSED REVISION OF THE IMPORT TARIFF.

Subjoined will be found the revision, proposed by the Japanese Government, of the Import Tariff. This is a copy of a document submitted by Mr. Samejima to the German Government, by whom it has been referred to the Hamburg Chamber of Commerce with the request that the latter would consider and report upon it. Doubtless copies have also been furnished to the Governments of the other Treaty Powers; and, on their consensus being taken, the new tariff will probably be regulated. We sincerely, honestly, trust, in the very best interests of Japan, that it will be considerably modified; but to this subject we will revert shortly.

DUTY FREE.—Gold and Silver Bullion, Coal, Coins, Manures, Wool and Hair, unmanufactured, Vessels and Boats.

SPECIFIC DUTY ON THE BASIS OF 5 %.—Cinchonine, Cutch, Portland Cement, Manufactured Iron, Grain of all kinds, Lead (manufactured or not), Quicksilver, Tin Plates, Skins, Tin, Zinc (Spelter) (Pigs and Sheets), Steel, Copper, Brass, and Yellow Metal, Solder, Saffron, Saltpetre, Flour, Umbrella Frames, Nickel, Raw Cotton, and most Chemicals.

AD VALOREM DUTY 5 %.—Anchors and Chains, Drugs and Medicines not otherwise mentioned, Machinery, Implements, Carriages, &c.

SPECIFIC DUTY ON THE BASIS OF 10 %.—Camphor, Indigo, Minerals (dry or moist), Linen, Cotton Manufactures, except Cotton Velvet, Ultramarine, Yarns, Cotton, Flax, Hemp or Jute, Wool or Hair.

AD VALOREM DUTY 10 %.—Dye stuffs not otherwise mentioned, Paint not otherwise mentioned, Slates, Cotton manufactures not otherwise mentioned, Cotton and Linen mixtures, Aniline Dyes.

SPECIFIC DUTY ON THE BASIS OF 15 %.—Iron and Copper Nails, Kerosene Oil, Window Glass, Cotton Velvet, Woollen Cloth, Woollen and Cotton mixtures, Thread, Cotton, Flax, Hemp or Jute unreeled.

AD VALOREM DUTY 15 %.—Thread, Cotton, Flax, Hemp or Jute reeled, Hides, Nails not otherwise mentioned, Woollen manufactures not otherwise mentioned, Woollen and Cotton manufactures not otherwise mentioned, Woollen and Linen manufactures not otherwise mentioned.

SPECIFIC DUTY ON THE BASIS OF 20 %.—Handkerchiefs, Raw Silk, Waste Silk, Wool, Cotton, Candles, Paper, Wood.

AD VALOREM DUTY 20 %.—Clocks, Leather, Looking Glasses, Beverages, Waste Silk, Furniture.

SPECIFIC DUTIES ON THE BASIS OF 25 %.—Socks, Stockings.

AD VALOREM DUTY 25 %.—Watches, Silk Goods and Silkstuffs, Wearing Apparel, Hats, Shawls, Glass-ware, Umbrellas.

SPECIFIC DUTIES ON THE BASIS OF 30 %.—Tobacco and Cigars, Sugar (Raw or Refined), Beer, Wines, and Spirits.

AD VALOREM DUTY 30 %.—Matches, Corals, Arms and Ammunition—viz., Ordnance, Fire-arms, Common Balls and Cartridges.—Tortoise-shell, Gunpowder, Liquors not otherwise mentioned.

PROHIBITED GOODS.—Opium, Kerosene which flashes at a heat of less than 120 degrees Fahrenheit, Adulterated Drugs or articles of Food or Drink.

GOODS WHICH MAY BE PROHIBITED.—Cattle, Hides, &c., from countries where contagious disease prevails, Arms, Gunpowder, and all other Munitions of War.

No 828.

Enclosure 1 (duplicate)

Extract from the Japan Gazette, July 3/78.

PROPOSED REVISION OF THE IMPORT TARIFF.

Subjoined will be found the revision, proposed by the Japanese Government, of the Import Tariff. This is a copy of a document submitted by Mr. Samejima to the German Government, by whom it has been referred to the Hamburg Chamber of Commerce with the request that the latter would consider and report upon it. Doubtless copies have also been furnished to the Governments of the other Treaty Powers; and, on their consensus being taken, the new tariff will probably be regulated. We sincerely, honestly, trust, in the very best interests of Japan, that it will be considerably modified; but to this subject we will revert shortly.

Duty Free.—Gold and Silver Bullion, Coal, Coins, Manures, Wool and Hair, unmanufactured, Vessels and Boats.

Specific Duty on the basis of 5 %.—Cinchonine, Cutch, Portland Cement, Manufactured Iron, Grain of all kinds, Lead (manufactured or not), Quicksilver, Tin Plates, Skins, Tin, Zinc (Spelter) (Pigs and Sheets), Steel, Copper, Brass, and Yellow Metal, Solder, Saffron, Saltpetre, Flour, Umbrella Frames, Nickel, Raw Cotton, and most Chemicals.

Ad Valorem Duty 5 %.—Anchors and Chains, Drugs and Medicines not otherwise mentioned, Machinery, Implements, Carriages, &c.

Specific Duty on the Basis of 10 %.—Camphor, Indigo, Minerals (dry or metal), Linen, Cotton Manufactures, except Cotton Velvet, Ultramarine, Yarns, Cotton, Flax, Hemp or Jute, Wool or Hair.

Ad Valorem Duty 10 %.—Dye stuffs not otherwise mentioned, Paint not otherwise mentioned, Slates, Cotton manufactures not otherwise mentioned, Cotton and Linen mixtures, Aniline Dyes.

Specific Duty on the Basis of 15 %.—Iron and Copper Rails, Kerosene Oil, Window Glass, Cotton Velvet, Woollen Cloth, Woollen and Cotton mixtures, Thread, Cotton, Flax, Hemp or Jute unreeled.

Ad Valorem Duty 15 %.—Thread, Cotton, Flax, Hemp or Jute reeled, Hides, Nails not otherwise mentioned, Woollen manufactures not otherwise mentioned, Woollen and Cotton manufactures not otherwise mentioned, Woollen and Linen manufactures not otherwise mentioned.

Specific Duty on the Basis of 20 %.—Handkerchiefs, Raw Silk, Soap, Tea, Coffee, Candles, Paper, Wood.

Ad Valorem Duty 20 %.—Clocks, Leather, Looking Glasses, Beverages, Waste Silk, Furniture.

Specific Duties on the Basis of 25 %.—Socks, Singlets.

Ad Valorem Duty 25 %.—Watches, Silk Goods and Mixtures, Wearing Apparel, Hats, Shawls, Glass-ware, Umbrellas.

Specific Duties on the basis of 30 %.—Tobacco and Cigars, Sugar (Raw or Refined), Beer, Wines, and Spirits.

Ad Valorem Duty 30 %.—Matches, Cereals, Arms and Ammunition—viz., Ordnance, Fire-arms, Cannon Balls and Cartridges,—Tortoise-shell, Gunpowder, Imports not otherwise mentioned.

Prohibited Goods.—Opium, Kerosene which flashes at a heat of less than 120 degrees Fahrenheit, Adulterated Drugs or articles of Food or Drink.

Goods which are to undergo Fumigation.—Cattle, Hides, &c., from [illegible] whose contagious diseases prevail, [illegible] Rice, and all other Manufactures of rice.

No 828.

Enclosure 2.

Extract from the Japan Daily Herald, July 4, 1878.

TARIFF REVISION.

It is now eight months since we put the public in possession of the views entertained by the Government with reference to a revision of the Tariff, and of its anxious wish to deal, through the agency of its Ministers abroad, direct with foreign governments, so as, if possible, to escape the scrutiny and elude the vigilance of the representatives of foreign powers accredited to this country, whose knowledge of the Japanese character, and acquaintance with the commerce of the country, its actualities and possibilities, might by this means be evaded; and thus by acting on the comparative ignorance and indifference of foreign governments, it was thought probable that better terms could be had than by conferring with ministers in Japan, who have ample leisure, knowledge, and experience to effectually deal with the subject, and who are not by any means as likely to be misled or betrayed into mistakes by the plausibility and sophistry of Japanese representations. The plan had also the advantage of avoiding the destructive criticisms of the local press. But the project, though cunning enough in its way, was not destined to be successful. The commercial predominance of England in the East must, so long as it continues, ever give to the decisions of that Government great weight; other Governments have taken and will take their cue from the policy which it adopts; what England agrees to they can afford to follow, and it is safe to do so. Upon such a question as the revision of the commercial tariff of Japan, England naturally takes the lead. But a singular ignorance is betrayed of that Government's usual line of action, for it to be thought that it would take upon itself the decision of the numerous questions raised, without relegating the entire subject to its Minister in Japan, or that other governments would adopt a line of action independent of that of Great Britain. Mr. [illegible], who has been once more sent to France, we learn, has had an audience on the subject with M. Waddington, the French Minister for Foreign Affairs; of what passed at that interview we are not informed, but some light has been thrown on the subject by the submission of specific propositions to the German government, which having been sent to the Chamber of Commerce at Hamburg, have obtained publicity. Through the courtesy of a resident mercantile firm we have become possessed of a copy of the document.

"Revised Import Tariff."

Duty Free.—Gold and silver bullion, coal, coins, manures, wool and hair unmanufactured, vessels and boats.

Specific Duty, on a basis of 5 per cent.—Cinchonine, cutch, Portland cement, manufactured iron, grains of all kinds, lead (manufactured or not), quicksilver, tin plates, skins, zinc, spelter (pigs or sheets), steel, copper, brass, and yellow metal, solder, saffron, saltpetre, flour, umbrella frames, nickel, raw cotton, and most chemicals.

Ad valorem Duty, 5 per cent.—Anchors and chains, drugs and medicines not otherwise mentioned, machinery, implements, carriages, &c.

Specific Duty, 10 per cent.—Camphor, indigo, minerals dry or moist, linen, cotton manufactures, except cotton velvet, ultramarine, yarns, cotton, flax, hemp, or jute, wool or hair.

Ad valorem Duty, 10 per cent.—Dye stuffs (not otherwise mentioned), paint, slates, cotton manufactures (not otherwise mentioned), cotton and linen mixtures, aniline dyes.

Specific Duty, 15 per cent.—Iron and copper nails, kerosene oil, window glass, cotton velvet, woollen cloth, woollen and cotton mixtures, thread (cotton, flax, hemp, or jute unreeled).

Ad valorem Duty, 15 per cent.—Thread (cotton, flax, hemp, or jute reeled), hides, nails (not otherwise mentioned), woollen manufactures (not otherwise mentioned), woollen and cotton manufactures (not otherwise mentioned), woollen and linen manufactures (not otherwise mentioned).

Specific Duty, 20 per cent.—Handkerchiefs, raw silk, soap, tea, coffee, candles, paper, wood.

Ad valorem Duty, 20 per cent.—Clocks, leather, looking glasses, beverages, waste silk, furniture.

Specific Duty, 25 per cent.—Socks, singlets.

Ad valorem Duty, 25 per cent.—Watches, silk goods and mixtures, wearing apparel, hats, shawls, glassware, umbrellas.

Specific Duty, 30 per cent.—Tobacco and cigars, sugar (raw or refined), beer, wines, and spirits.

Ad Valorem Duty, 30 per cent.—Matches, corals, arms and ammunition, viz.: ordnance, fire-arms, cannon balls and cartridges; tortoise-shell, gunpowder, liquors not otherwise mentioned.

Goods Prohibited.—Opium, kerosene which flashes at a heat of less than 120 deg. Fah., adulterated drugs or articles of food or drink.

Goods that may be Prohibited.—Cattle, hides &c., from countries where contagious disease prevails; arms, gunpowder, and all other munitions of war.

After the long cogitation in which the Japanese government has indulged and the amount of information and advice that has been obtained, the most casual investigation of its proposals will demonstrate how crude, heterogeneous, and ill digested they are. The influence of the protectionist heresy is apparent, and it is to be noticed that several of the articles singled out for the imposition of high duties are those that foreigners resident in the country principally consume; it is proposed that they shall be especially fleeced under the new alterations. Our commercial readers cannot perform a better service to trade than by giving the subject of the revision of the tariff their immediate attention, and by ventilating their views through the press. It is especially incumbent on them to do so. Ministers and the Government would be obliged and informed by being put in possession of the opinions of men engaged in business. The more light there is thrown on the subject the less likelihood will there be of mistakes being committed,—mistakes which it may take years hereafter to rectify.

No 828.

Enclosure 2 (duplicate)

Extract from the Japan Daily Herald,

July 4, 1878.

TARIFF REVISION.

It is now eight months since we put the public in possession of the views entertained by the Government with reference to a revision of the Tariff, and of its anxious wish to deal, through the agency of its Ministers abroad, direct with foreign governments, so as, if possible, to escape the scrutiny and elude the vigilance of the representatives of foreign powers accredited to this country, whose knowledge of the Japanese character, and acquaintance with the commerce of the country, its actualities and possibilities, might by this means be evaded; and thus by acting on the comparative ignorance and indifference of foreign governments, it was thought probable that better terms could be had than by conferring with ministers in Japan, who have ample leisure, knowledge, and experience to effectually deal with the subject, and who are not by any means as likely to be misled or betrayed into mistakes by the plausibility and sophistry of Japanese representations. The plan had also the advantage of avoiding the destructive criticisms of the local press. But the project, though cunning enough in its way, was not destined to be successful. The commercial predominance of England in the East must, so long as it continues, ever give to the decisions of that Government great weight; other Governments have taken and will take their cue from the policy which it adopts; what England agrees to they can afford to follow, and it is safe to do so. Upon such a question as the revision of the commercial tariff of Japan, England naturally takes the lead. But a singular ignorance is betrayed of that Government's usual line of action, for it to be thought that it would take upon itself the decision of the numerous questions raised, without relegating the entire subject to its Minister in Japan, or that other governments would adopt a line of action independent of that of Great Britain. Mr. SANNOMIYA, who has been once more sent to France, we learn, has had an audience on the subject with M. WADDINGTON, the French Minister for Foreign Affairs; of what passed at that interview we are not informed, but some light has been thrown on the subject by the submission of specific proposals to the German government, which having been sent to the Chamber of Commerce of Hamburg, have obtained publicity. Through the courtesy of a resident mercantile firm we have likewise possession of a copy of the

"Revised Import Tariff."

Duty Free.—Gold and silver bullion, coal, coins, manures, wool and hair unmanufactured, vessels and boats.

Specific Duty, on a basis of 5 per cent.—Cinchonine, watch, Portland cement, manufactured iron, grains of all kinds, lead (manufactured or not), quicksilver, tin plates, skins, zinc, spelter (pigs or sheets), steel, copper, brass, and yellow metal, solder, saffron, saltpetre, flour, umbrella frames, nickel, raw cotton, and most chemicals.

Ad valorem Duty, 5 per cent.—Anchors and chains, drugs and medicines not otherwise mentioned, machinery, implements, carriages, &c.

Specific Duty, 10 per cent.—Camphor, indigo, minerals dry or moist, linen, cotton manufactures, except cotton velvet, ultramarine, yarns, cotton, flax, hemp, or jute, wool or hair.

Ad valorem Duty, 10 per cent.—Dye stuffs (not otherwise mentioned), paint, slates, cotton manufactures (not otherwise mentioned), cotton and linen mixtures, aniline dyes.

Specific Duty, 15 per cent.—Iron and copper nails, kerosene oil, window glass, cotton velvet, woollen cloth, woollen and cotton mixtures, thread (cotton, flax, hemp, or jute unreeled).

Ad valorem Duty, 15 per cent.—Thread (cotton, flax, hemp, or jute reeled), hides, nails (not otherwise mentioned), woollen manufactures (not otherwise mentioned), woollen and cotton manufactures (not otherwise mentioned), woollen and linen manufactures (not otherwise mentioned).

Specific Duty, 20 per cent.—Handkerchiefs, raw silk, soap, tea, coffee, candles, paper, wood.

Ad valorem Duty, 20 per cent.—Clocks, leather, looking glasses, beverages, waste silk, furniture.

Specific Duty, 25 per cent.—Socks, singlets.

Ad valorem Duty, 25 per cent.—Watches, silk goods and mixtures, wearing apparel, hats, shawls, glassware, umbrellas.

Specific Duty, 30 per cent.—Tobacco and cigars, sugar (raw or refined), beer, wines, and spirits.

Ad Valorem Duty, 30 per cent.—Matches, corals, arms and ammunition, viz.: ordnance, fire-arms, cannon balls and cartridges; tortoise-shell, gunpowder, liquors not otherwise mentioned.

Goods Prohibited.—Opium, kerosene which flashes at a heat of less than 120 deg. Fah., adulterated drugs or articles of food or drink.

Goods that may be Prohibited.—Cattle, hides &c., from countries where contagious disease prevails; arms, gunpowder, and all other munitions of war.

After the long cogitation in which the Japanese government has indulged and the amount of information and advice that has been obtained, the most casual investigation of its propositions will demonstrate how crude, heterogeneous, and ill digested they are. The influence of the protectionist heresy is apparent, and it is to be noticed that several of the articles singled out for the imposition of high duties, are those that foreigners resident in the country principally consume; it is proposed that they shall be especially fleeced under the new alterations. Our commercial readers cannot perform a better service to trade than by giving the subject of the revision of the tariff their immediate attention, and by ventilating their views through the press. It is especially incumbent on them to do so. Ministers and the Government would be obliged and informed by being put in possession of the opinions of men engaged in business. The more light there is thrown on the subject the less likelihood will there be of mistakes being committed,—mistakes which it may take years hereafter to rectify.

No 828.

Enclosure 3.

Copy.

No 750.

United States Legation,
Tokei, July 6, 1878.

H. E. Terashima Munenori,

&c &c &c

Sir:

I beg leave to call Yr. Excy. attention to the editorial coupled with a project for the specific revision of the Japanese tariff which was published in the Japan Gazette of the 3d instant, wherein it is stated that the tariff revision as therein published has been "has been +

"proposed by the Japanese Govt."
and that "a copy of the document
"has been submitted by Mr Yamashima
"to the German Govt. and referred
"by the latter Govt. to the Hamburg
"Chamber of Commerce for report."
This proposition, Y.E. will observe,
is but partially published, ending
one paragraph with "&c.", and
others with the words "not otherwise
"mentioned".
The proposition not only in what
is expressed and printed, but in
what is implied and withheld
from the paper is so irreconcil-
able with the proposition for
revision as made to my Govt.
and also to the other Powers,
as shown by the Circulars Im-

struction which H.E. did me the honor to send me, that I deem it my duty to request that I be informed at an early day if any such project or proposition has been approved or authorized by H.C.J.J. M's Govt., that I may acquaint my Govt. fully in respect thereto. I would also ask to be informed if such proposition was in fact presented to the German or other foreign Power as a basis for the revision of the tariff treaties of this Empire, and, if so, when was it done and upon what authority.

I have &c.

(Sgd.) Jas. A. Bingham

No 828.

Enclosure 4.

Copy.

No 22.

Foreign Office, Tokio,
The 13th the 7th month
The 11th year of Meiji.

H.E. John A. Bingham
E.E. and M.P. of the U.S.A.

Sir:

I have the honor to acknowledge the receipt of Y.E.'s despatch of the 6th instant, calling my attention to an editorial coupled with a projet for the specific revision of the Japanese tariff, which was published in the "Japan Gazette" of the 3d

3d instant, wherein it is stated that the tariff revision at therein published has been proposed by the Japanese Government, and that a copy of the document has been transmitted by Mr Sanetshima to the German Government, and requesting me to inform you if such projet or proposition has been approved or authorized by His Imperial Japanese Majesty's Government.

In reply I beg leave to say that no such projet has been decided upon by my Government, and that no authorization, of course, has been given by this Government to present the same to the German Government or to that of any other Treaty Power.

I avail myself of this occasion to renew to Y.E. the assurance of my highest consideration.

(Sgd.) Terashima Munemori,

H.I.J.M. Minister for Foreign Affairs.

No. 1. Translation

Import Tariff.

No 828. Enclosure 5.

Import Tariff.

Duty-free goods.

Animals—

Animals living, viz: Oxen, bulls cows, calves, horses, sheep & lambs.

Paints—

Smalt and enamel including "Tanakonjio"

Bones—

Bones, unmanufactured.

Seeds—

Seeds, garden flower and other for agricultural purpose imported in reasonable quantities, subject to the approval of the Customs authorities.

Metals—

Gold and silver bullion.
Platina, unmanufactured.

Stationary—

Atlases, maps and charts.
Books, printed.
Globes.

Provisions—

Ice.

Miscellaneous—

Coins.
Guano and oil cake.
Clay.
Plants, trees, shrubs and roots for planting.
Samples or musters of Commodities imported in reasonable quantities subject to the approval of the Customs authorities.

vessels and boats.
Wool and hair, unmanufactured.

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oods on which specific duties of 5 per cent are to be paid.

Drugs—
Acid, tartaric.
Aloes.
Alum.
Ammonia, sal.
Betel nuts.
Borax or borate of soda.
Calomel.
Camomile, flowers.
Chang-shaku or Sogitsu.
Cassia or cinnamon bark.
Cinchona and Peruvian bark.
Cinchonia and cinchonine.
Cutch or catechu.
Ginseng.
Gum, arabic.
Gypsum.
Kwok-kong or kakkaw.
Liquorice.
Magnesia, carbonate of.
Mahaung or mawow.
Mercury or quicksilver.
Morphia, and all salts of.
Potassii, bromide of.
" iodide of.
Putchuck.
Quinoidine.

Quinine & all preparations or Combinations
of
Rhubarb, root.
Saffron.
Saltpetre, crude or refined.
Sankweiloy or Sankira.
Santonine.
Sarsaparilla root.
Silver, nitrate of.
Soapstone & powder of.
Soda, caustic.
" crystal (or washing soda)
Wauling or Waugon.
Worm seeds, or Semen cyminis

Dyes —
Gal nuts.
Gamboge.
Mangrove bark.
Stick lac.
Turmeric.
Wood sapan or brazil.

Horns, Skins &c.
Hoofs.
Horns, bull, cow or buffalo and deer.
" rhinoceros Indicus.
" " africanus.
Skins of calves, bulls cows buffalos
and horses, raw, dried, salted
or pickled and undressed
Teeth, elephant or ivory, narwhal
or sea unicorn.
" sea horse.

Grains, seeds &c.

Flours of all kinds of grains.
Grains, barley, buck wheat, Indian corn,
maize, oats and rye and not other-
wise provided for.
" paddy.
" rice.
" wheat.
Ground beans or pea nuts.
Malt.
Peas beans and pulse all kinds
Seeds, cotton, hemp, flax, or linseed,
sesame or sesamum & rape.
Lard, rosin &c—
Lard and tallow.
Pitch and tar, all kinds.
Rosin.
Spirits of turpentine.
Metals—
Anchors and chains cables, new & old.
Iron, pig or ingot.
" bar, beam or rod.
" plate or sheet.
" hoop.
" kentledge.
" nail rod.
" T. and angle.
" wire, galvanized or not.
Lead, pig, slab or bar.
" sheet or sheathing.
" pipe and tube.
" black or plumbago.
Metal, viz: copper, bronze, brass, or
yellow metal in such shapes

Metal (continued)
as bar, rod, slat, sheet, &c.
" German silver, unmanufactured.
Nickel cubes.
Solder.
Steel in bar ingot, or sheet.
Tin or pewter in bar block or pig.
" plate.
Zinc or spelter, block, pig, or ingot.
" " " sheet or sheathing.

Provisions—
Pepper, black or white, unground.
Salt in bulk, sack or barrel.

Fabrics—
Elastic webbing for shoes, not exceeding 6 inches in width

Miscellaneous—
Chalk, unmanufactured.
Coal.
Cotton, raw.
Glue and isinglass or fish glue.
Hop.
Lime.
Mats, packing.
Oakum.
Portland cement and plaster of Paris.
Rattans, split or not.
Umbrella frames for (Mizogata)
" " " (Maru or Kakugata)

—Goods on which Specific duties of 10 per cent are to be paid.

Drugs—
Camphor, refined.

Camphor, unrefined.
Cloves and mother cloves.
Nardy or Spiknard.

Dyes—
Blue, chinese, dry or moist.
" Prussian, Paris, & Berlin, dry or moist.
Carmine.
Indigo, dry.
" liquid.
Lead, red, yellow or white & litharge, dry or ground in Oil.
Ultramarine.
Verdigris.
Vermillion.

Stationary—
Pen nibs, other than gold.
Pencils, wood filled with lead or other materials.

Fabrics—
Shirting, gray.
" bleached.
Cotton brocades, drills, Lawns, T. Cloth, cotton twills and all other cotton goods not colored, stained, printed nor figured & not otherwise provided for.
Fustians, cotton damasks & other similar heavy goods.
All cottons, colored, stained, printed or figured & not otherwise provided for.
Nompa or cotton flannel.

Canvas, linen or cotton.
Cotton jeans, denimes & bed tickings.
Cotton quiltings, figue & cotton Italian cloth known also as satins.
Oil or wax cloth for flooring.
" or leather cloth for furniture.
Linen, brown.
" bleached or colored.
Blankets.

Miscellaneous—

Cordages or cables tarred or not. except twines or ropes.
Fishing guts.
Flax, hemp or jute, hackled or not.
Twines or ropes.
Yarns, cotton, plain or colored.
" woollen, " " "

Goods on which specific duties of 15 per cent are to be paid.

Oil—

Oil, kerosene, petroleum, or other meneral oil for illuminating purpose.
" peas, beans, pulse or pea nuts.
" drier.

Metals—

Nails, spikes, sprigs, tacks, brads, clinchers, and rivets iron (galvanized or not)
Nails, spikes, sprigs, tacks, brads, clinchers, and rivets copper, brass & yellow metal

Provisions—

Biscuits, when in cask.
Butter.
Ham & bacon.
Salted meat such as beef & pork in barrel.

Fabrics—

Cotton velvets & velveteens.
All cloth composed wholly of wool & used for men's or boy's clothing.
Cotton & woollen goods used for men's or boy's clothing such as union, President, Pilot.
Flannels composed wholly of wool.
" " of cotton & wool.
Camlets, English, Dalat & all other.
Lastings, Crape lastings wholly or in part of wool.
Alpacas, Buntings, long ells, mousseline de Laine, merinos, orleans, woollen damasks, and all other goods composed wholly or in part of wool, worsted, hair of the alpaca, goat, or other like animals, and not otherwise provided for.

Miscellaneous—

Glass, window, uncolored.
Thread, cotton, flax or hemp, unrealed.

Goods on which specific duties of 20 per cent are to be paid.

Drugs—

Musk & Musk pods.

Stationery—

Ink, Indian or chinese.
Papper, printing, used for books & newspaper.
" brown or inferior, for packing or sheathing.
" note or letter writing.
" chinese, gray or white.
" " colored.

Clothings—

Handkerchiefs, cotton (in piece or singly).

Provisions—

Coffee & chicory, raw or ground.
Tea.

Fabrics—

Carpet, patent tapestry.
" Brussels.
" felt.
" jute, dutch or hemp.

Miscellaneous—

Candles.
Soap, bar or other form, not scented.
Wood, sandal.
" aloe or garro.

Goods on which specific duties of 20 per cent are to be paid.

Clothings—

Braces or suspenders, all kinds, except silk, silk & other mixtures.
Collars, cotton or linen.
" paper
Handkerchiefs, linen or linen & cotton mixtures

Knit undershirts & drawers, cotton.
" " " " woollen.
" " " " & cotton mixtures.
Sacks, cotton.
" woollen.
" " & cotton mixtures.
Stockings, cotton.
" woollen.
" " & cotton mixtures

Goods on which specific duties of 30 per cent are to be paid.

Liquors—

Absinth, in bottles, if not over one quart each.
Ale, beer, porter and stout, in bottles, if not over one quart each.
" " " " " in bottles, if not over one pint each.
" " " " " in bulk.
Arack, in bottles, if not over one quart each.
Cherry cordial in bottles, if not over one quart each.
Cider in bottles if not over one quart each.
Liqueur, all kinds, in bottles, if not over one quart each.
" " " " if not over one pint each.
Madeira, port & sherry, in bottles, if not

Madeira, (continued)
over one quart each.
Champagne, in bottles, if not over one quart each.
" " in bottles, if not over one pint each.
Wine, red or white, in bottles, if not over one quart each.
" " " " in bulk.
Brandy, in bottles, if not over one quart each.
Gin & rum, in bottles, if not over one quart each.
" " " in bulk.
Whiskey, in bottles, if not over one quart each.
" in bulk.

Sugar—
Sugar, brown, black or white, not otherwise provided for.
" refined, loaf, lump, crushed, powdered & granulated.
" rock candy.

Tobacco—
Tobacco, cigars.
" cigarettes.

Goods on which ad valorem duties of 5 per cent are to be paid.

Drugs—
Acids, all, not otherwise provided for.
Magnesia, citrate of.

Oil, castor.
" Cod liver.
Soda, all, not otherwise provided for.
Drugs & medicines, not otherwise provided for.

Dyes—

Safflower.

Horns, teeth &c.—

Horns, all, not otherwise provided for.
Teeth; all, not otherwise provided for.
Whale bone or fin unmanufactured.

Seeds—

Seeds, all, not otherwise provided for.

Metals—

Chains of all kinds not otherwise provided for.
Iron, rail & parts thereof.
" pipe or tube.
" galvanized or roofing.
" old and broken & only fit to be remanufactured.
Wire of copper, bronze, brass, or yellow metal.
Copper, bronze, brass, or yellow metal old & broken and only fit to be re-manufactured.

Provisions—

Vegetable for food, green.

Fabrics—

Elastic webbing for shoes, exceeding 6 inches in width.
Gunny or jute cloth for bagging.

Miscellaneous—

Bags & sacks of cotton, hemp, and straw &c. not otherwise provided for.
Balances and scales.

Barks, all, not otherwise provided for.
Barometers, thermometers & hydrometers.
Carriages, railway or tramway including locomotive engines.
Compasses, marine.
Emery sand.
Fire engines & pumps, all kinds.
Glazier diamonds.
Implements & tools of farmers, carpenters, smiths & other mechanics, not otherwise provided for.
India rubber or gutta-percha.
Instrument, philosophical astronomical, chemical, mathematical, surveying, drawing, surgeon's & anatomical.
Machinery, viz: knitting, mining sawing, sewing, spining, weaving, telegraphic, printing or type machines & all other machineries not otherwise provided for
Putty & whitings.
Scales & tape lines for measuring.
Stones, all kinds, hewn, sawn, polished or not, except precious stones & not otherwise provided for.
Telegraphic wire & cable
Timber, lumber, boards & planks of all kinds.
Type metal, new or second hand.
Umbrella sticks, with or without frames, not otherwise provided for.

Goods on which ad valorem duties of 10 per cent are to be paid.

Animals—

All living animals, not otherwise provided for.

Dyes—

Aniline dyes in crystal or liquid.
all paints, colors or dyes, not otherwise provided for.

Wax—

Wax bees or vegetable.

Stationery—

Books, blank, copying, account or record &c
Gum erasers.
Ink, press or printing, all colors.
" writing or copying, all colors.
Pencil lead not covered with wood nor with other materials.
" chalk, charcoal, slate & other.
Penholders, wooden & part steel.
Slate framed or unframed.

Provisions—

Fruits, green.

Fabrics—

India rubber cloth.
Linen & cotton mixtures.

Miscellaneous—

Bricks, building and tiles of every description.
Building materials not otherwise provided for.
Carts for the conveyance of goods.

Chalk manufactured not otherwise provid.
ed for.
Corks.
Silk, cocoons & floss.
Spy glasses.
Marbles or alabaster and Compositions
of, manufactured.
Woods hard, such as red, ebony, box
and other similar woods, un.
manufactured & not otherwise
provided for.

Goods on which ad valorem duties of 15 per cent
are to be paid.

Skins—
Skins, all, raw, dried, salted or pickled
& undress & not otherwise provided
for.

Oil—
Oil, rape seed, palm, cocoa nuts, cotton,
flax seed, sesame seed, fish or
animal & not otherwise provided for.

Metals—
Nails, Spikes, Sprigs, tacks, brads, Clinchers,
& rivets all kinds, not otherwise provd.
ed for.
Screws.

Clothings—
Buckles, all descriptions.
Buttons all kinds not otherwise provided
for.

Provisions—

Biscuits when in tin box.
Cheese.
Fish dried or salted.
Maccaroni & vermicelli.
Milk, condensed.
" desiccated.
Mustard ground.
Pepper, black or white, ground.
Salt, in bottles & small packages prepared for table use.
Tapioca & Sago.
Vegetable for food, dry.

Fabrics —
Woollen & linen mixtures.
Tikufu or bamboo cloth & all other fabrics not otherwise provided for.

Miscellaneous —
Blacking, shoe.
Cutlery, such as razors, scissors, pocket knives, fruit or table knives, including spoons, forks & steels & not otherwise provided for.
Grindstones & whetstones.
Sponges.
Thread, cotton flax, or hemp, on spools or reels.

Goods on which ad valorem duties of 20 per cent are to be paid.

Paints —
Varnish.

Leather —

Leather, all kinds, Colored or not.
Sharks skins.

Stationery—

Envelopes.
Inkstands.
Inkstones.
Mucilages.
Parchment.
Pen nibs, gold.
Quill pens.
Pencils covered with metal, ivory or other materials for pocket or other use.
" hair
Penholders, all, not otherwise provided for.
Wafers.
Wax, sealing.
Stationery, all kinds, not otherwise provided for.

Furniture—

Bedsteads & bedding, including bed sheets & quilts.
Boot scrapers & door mats.
Candlesticks.
Chair, stools & sofas.
Curtains, manufactured, all kinds.
Desks of every description.
Glass, looking, framed or unframed.
Grates, fenders, stoves, stove furniture and fittings & parts thereof.
Lamps, lanterns & parts thereof.
Mattings, China, coir & cocoa nuts.
Paintings, drawings, engravings, photographs, prints & all pictures produced

Paintings (Continued)
by paintings, framed or unframed.
Safes & cash boxes.
Tables of all kinds.
Table cloths & covers of whatever material.
Wardrobes, chests of drawers & side boards.
Furniture, all kinds, not otherwise provided for.

Provisions—
Beverages, lemonade, ginger beer & the like or mineral waters.
Fruits dried.
" preserved or pickled.
Nuts all kinds, for table use.
Oil, olive or salad.
Spices, all kinds, not otherwise provided for.
Table stores, such as anchovies, jam, marmalade, sardines, sausages, sugar of lemon, sauces & soy, vinegar & pickles or preserves of meat vegetable &c not otherwise provided for.
All provisions, not otherwise provided for.

Fabrics—
All carpets or carpeting not otherwise provided for.

Miscellaneous—
Amber.
Baskets made of grass bamboo, palm leaf, rattan & the like.
Bells, all kinds.
Carriages & vehicles, all kinds & parts thereof.

Clocks & parts thereof.
Foils, gold, silver, copper, tin and other metals.
Glass, window, colored.
" plate, colored or uncolored.
Hardware, all kinds, not otherwise provided for.
Instrument, photographic including papers for that purpose.
Kettles & pans of cast iron.
Kitchen utensils, all kinds, not otherwise provided for.
Locks & keys.
Needles & pins.
Porcelains & earthen ware.
Saddles & harness, all kinds.
Shells, all kinds unmanufactured except tortoise shell.
Silk, raw or waste.
Smoothing or flat iron
Starch
Marble or alabaster, & composition of manufactured

Goods on which ad valorem duties of 25 per cent are to be paid.

Skins —
Skins of all fur bearing animals, dressed or undressed.

Clothing —
Belts (waist) elastic or leather.
Boots, shoes & slippers, all kinds.

Braces or suspenders silk, silk and other mixtures.
Clothing ready made & wearing apparel of every description, not otherwise provided for.
Gaiter tops & leggings.
Gloves, all kinds.
Handkerchiefs, silk, silk & other mixtures, & that composed wholly or in part of lace.
Hats and caps, including bonnets.
Neck-ties, all kinds.
Scarfs, all kinds.
Shawls " "
Shirts all descriptions.
Shirt bosoms or fronts & cuffs.
Socks, silk, silk & other mixtures.
Stockings, silk, silk & other mixtures.
Studs & sleeve or cuff buttons & links, all kinds.
Towels, all kinds.
Trimmings, gallons, ribbons, braids, laces, fringes, grimps, tresses tassels, knots, stars, cords, hair nets, veils & other ornaments for dresses, made by hands or machinery of any material & not otherwise provided for.
" gold or silver lace, thread, braid, cords or wire & imitations thereof.
Water proof.

Provisions.—

Candies & confectionery of all kinds.
Silk goods.

Fabrics—

Fabrics composed of silk & wool, silk & cotton, silk & linen.
Rugs, travelling.

Miscellaneous—

Brushes, all kinds.
Combs for the hair, all kinds.
Corkscrews, all kinds.
Fans, all kinds.
Feathers, " "
Frames for pictures, mirrors & similar purposes, including moulding.
Glass wares, all kinds not otherwise provided for.
Gold & silver plate.
Lamp wicks.
Opera or field glass.
Paper, wall or hanging.
Spectacles, all kinds.
Trunks, portmanteau & travelling or courier bags, all kinds.
Umbrellas, parasols & sunshades, all kinds.
Watches of gold, silver or any other metal & parts thereof.
Watch chains & keys including fancy chains.

goods on which ad valorem duties of 30 per cent are to be paid.

Liquors—

All spirituous beverages by whatever name or names known & not otherwise provided for.

Sugar—

Sugar, molasses & Syrup.

Tobacco—

Tobacco leaf, snuff, plug, fine cut for chewing or smoking & not otherwise provided for.

Miscellaneous—

Album.

Arms & ammunition, viz: ordnance, fire arms pistols, canon balls, cartridges, side arms & parts thereof.

Canes, sticks & whips.

Corals manufactured or not.

Cosmetics, essences, extracts, toilet water, hair oil or pomade, hair dressings, hair restratives, tooth pastes, aromatic de coctions or other perfumeries or cosmetics by whatever name or names known, used or applied as perfumes applications to the hair, mouth, nose or skin & not otherwise provided for.

Fire works.

Fowling pieces.

Games all articles used for playing

billiards, chess, cricket, carts &c.
& not otherwise provided for.
Gunpowder, gun cotton & all other
explosive substances.
Instrument, musical
Matches, all kinds.
Percussion caps & fuses.
Pipes, pipe cases & all other articles
used for smoking tobacco of
whatever material composed.
Precious stones & jewels, set or un-
set, such as diamond, pearls,
agate, cameos, crystals & other
precious stones & imitations
thereof.
Soap, toilet or soft.
Statuary.
Tortoise shell, unmanufactured.
Toys, all kinds.
Umbrella sticks with or without
frames, ornamented with
gold, silver or precious stones
or imitations thereof.

No 828.

Enclosure 6.

Ack August 4.

Mr Perdan
Col. Morgan
Mr Benedict

No 829.



United States Legation,
Japan,
Tokei, July 12, 1878.

Mr Bingham
to the
Hon. Secretary of State.

Subject.

Accounts for the Quarter ending June 30th, 1878.

Enclosures.

Statement of account.
Abstract of contingent expenses
Four (4) vouchers for Contingencies.
Two (2) exchange vouchers.

No 829.

United States Legation,
Japan,
Tokei, July 12, 1878.

Hon. William M. Evarts,
Secretary of State,
Washington D.C.

Sir:

I have the honor to enclose herewith my first account for the Quarter ending June 30th 1878.

By reference to my account you will observe that on the 1st instant I drew for my salary for the Quarter on Messrs Morton, Rose and Co for £616-9-2, equal to $3000.00 and by the Banker's certificate herewith

herewith, I received therefor the equivalent of 3000^{00} United States gold, and no more.

You will also observe that on account of contingent expenses for said Quarter I drew upon the same form for £25-10-4, equal to $\$134^{19}$, and received from the Banker here that sum and no more. The account rendered shows a balance in favor of the Government of $\$24^{58}$, which I shall pay in my next account.

During the last Quarter no passports were issued to foreign countries.

I have the honor to be, Sir,

Your obedient servant,

M. A. Stringham

Ack Aug 7.

Mr Bendau
Mr Griffin

No 830. Sent Aug 7th 1878



United States Legation,
Japan,
Tokei, July 12, 1878.

Mr Bingham
to the
Hon. Secretary of State.

Subject.
Request for blank forms for accounts.

No 830.

United States Legation,
Japan,
Tokei, July 12, 1876.

Hon. William M. Evarts,
Secretary of State,
Washington, D.C.

Sir:

I beg leave to request blank forms for Quarterly accounts upon Morton, Rose and Co. London, and of abstracts "for contingent Expenses."

I have the honor to be,
Sir,
Your obedient servant,
Mc. A. Bingham

Mr Perdan

Adc'd Aug. 7.

No 831.



United States Legation,
Japan,
Tokei, July 12, 1878.

Mr Bingham
to the
Hon. Secretary of State.

Subject.

Acknowledgment of the receipt of Instructions Nos. 355, 356, 357 and 358, and of Stationery.

No 831.

United States Legation,
Japan,
Tokei, July 12, 1878.

Hon. William M. Evarts,
Secretary of State,
Washington, D.C.

Sir:

I have the honor to acknowledge Instructions numbered 355, 356, 357 and 358, respectively, and also the receipt of stationery for the use of this Legation.

I have the honor to be,
Sir,
Your obedient Servant,
Jno. A. Bingham

Mr Berdan
Col. Morgan

United States Legation,
Japan,
Tokii, July 13, 1878.



Hon. William M. Evarts,
Secretary of State,
Washington, D.C.

Sir:

I have the honor to transmit herewith Statement of my account for the Quarter ending the 30th ultimo.

Sent to Solicitor
Aug 7 1878 J.M.

I have the honor to be,
Sir,
Your obedient servant,
D. W. Stevens,
Secretary of Legation.

Mr. Adee

file

No 832.



United States Legation,
Japan,
Tokei, July 20, 1878.

Mr Bingham
to the
Hon. Secretary of State.

Subject.

The Chinese Minister to the United States commissions the Chinese Ministers to Japan to tender his compliments to Mr Bingham and to thank the latter for his good offices to China in the Formosa matter.

Enclosure.

Chinese Ministers to Mr Bingham, July 4, 1878.

No 832.

United States Legation,
Japan,
Tokei, July 20, 1878.

Hon. William M. Evarts,
Secretary of State,
Washington D.C.

Sir:

I have the honor to acquaint you that on the 4th instant I received from their Excellencies Ko Ju Chang and Chang Sz Kwei, Envoys Extraordinary and Ministers Plenipotentiary of China accredited to this Court, a communication in which Their Excellencies were pleased to inform me that His Excellency Chun Lan-pin, the Imperial

perial Envoy of China to the United States, had sailed from the port of Yokohama on his way to his post of duty, and had requested that they should express to me His Excellency's compliments and especially his acknowledgment of my good offices toward the Imperial Government of China in the matter of the Formosa invasion, which His Excellency stated had conduced to the maintenance of the friendly relations between China and the United States.

I beg leave to enclose herewith a translation of the communication of Their Excellencies Ko Jen Chang and Chang Sz Kwei.

I have the honor to be, Sir, Your obedient servant,

Jno. A. Kingsbury

No 832.

Enclosure.

Copy of Translation.

To the United States Envoy
Extraordinary and Minister
Plenipotentiary Bingham.

We beg to inform
Y.E. that H.E. Chun Lan-pin, Chinese
Imperial Envoy to three Countries,
viz: your Honorable Country and
Spain and Peru, left Hong Kong for
Yokohama on the 27th day of the
5th moon according to our calendar
(27th June) and sailed from the latter
place on the 2d of the 6th moon
(July 1) by steamer for San Francisco.
When a few days since we went to

Yokohama to pay our respects to
His Excellency Chun he expressed to
us the high respect he had long
entertained for Y.E's experience and
abilities which have conduced to
the exceedingly friendly intercourse
existing between our respective countries.
He referred also to the matter of the
Formosan aborigines, when, owing
to Y.E., the citizens of your country
were, in accordance with inter-
national law, prohibited from
taking part with the Japanese,
and expressed his high appreciation
of Y.E's kind offices on that occasion.
He also said that upon his arrival
in Japan he was exceedingly
anxious to go to Tokio and do himself

the pleasure of having a personal interview with Y.E., but that the shortness of his stay would, he feared, make it embarrassing to both parties to attempt to exchange courtesies, which he greatly regretted, and he therefore requested us to take to Y.E. his card, and to express to you his sentiments in his stead. We therefore now beg to enclose for your acceptance H.E.'s card, and we take this occasion to express our best wishes for Y.E.'s happiness.

Kwang Sü 4th year 6th Moon,
4th day. (July 3, 1878)

Signed Ko Ju Chang
" Chang Sz Kwei

Mr. Adee

any proceedings are pending

Mr. Adee Sept. 6. 1878
Mr. Blood

No. 833. Dis. No.



United States Legation,
Japan,
Tokei, July 22, 1878.

Mr Bingham
to the
Hon. Secretary of State.

Subject.

Mr Moreno, agent of the Company authorized under Act of August 15, 1876, to connect America and Asia by telegraph cable, called upon Mr Bingham and exhibiting a copy of the Act authenticated by the seal of the Department, asked his advice in the matter of obtaining a grant for the purpose specified from the Japanese Govt. Mr Bingham did not

consider himself authorized to do more than give Mr Moreno an unofficial note of introduction to the Japanese Minister of the Home Dept. Mr Moreno was informed by the latter that his project would be taken into consideration, but that at present nothing could be done by the Japanese Govt. Mr Brigham requests instructions and suggests that he be authorized to call the attention of the Japanese Govt. to the provisions of the act against an Exclusive grant to this Company or any other.

Enclosure.

Mr Brigham to Mr Ito, July 2 '78.

No 833.

United States Legation,
Japan,
Tokei, July 22, 1878.

Hon. William M. Evarts,
Secretary of State,
Washington D.C.

Sir:

On the 2d instant Mr Moreus, an American citizen, called upon me and presented an authenticated copy under seal of the Department of the Act of Congress, passed August 15 1876, giving to him and his associates therein named the right to construct, land and maintain telegraph cables on the

Pacific

Pacific Coast of the United States of America and to connect the American and Asiatic coasts by submarine telegraph cables, subject to all the conditions therein specified. (United States Statutes at Large 1st Session 44th Congress, page 201.)

Mr Moreno stated to me that his purpose was to effect an arrangement with the Japanese Government for connecting the two countries by the telegraph cables of his Company, and requested my advice in the matter. I replied that I knew it was considered by our Government to be desirable that the two countries should be placed in

communication

communication by the electro-magnetic telegraph, but until further advised by my Government I could do no more than introduce him unofficially to His Excellency Mr Ito, the Japanese Minister of the Home Department, which I did by an unofficial note, a copy of which is herewith.

Mr Moreno afterwards verbally informed me that he had been admitted by the Minister to an interview, and was assured by the Minister that the matter would receive consideration, but that at present nothing could be determined; and therefore he would proceed at once to China on the same business

and

and endeavor to make some arrangement with that Government, but that he would return after some time to Japan again and renew his application.

Referring to your Instruction to me No 298 of date June 12, 1877, on this subject, I considered it proper under that Instruction to give to Mr Moreno the unofficial note of introduction to the Home Minister of Japan, but to refuse to act further in the matter until further instructed by the Department, inasmuch as you had instructed me by your No

that to justify the Department
& the Legation in moving in
such matter "the Company should
"present the case and make
"the application through the
"Department".

As I have hitherto suggested to
the Department that it might
not be good policy for either Gov=
ernment to grant exclusive privilege
to any Company to control such
communication between the two
countries, in which you concurred
in your Instruction, I beg leave
to add that inasmuch as the 3rd
section of the Act of 1876 above=
cited expressly reserves to the=
United States the right to grant

like

like privileges to other persons
"or Companies," it seems to me
not improper to suggest that
to secure our Government against
any possible action on the part
of this Government in the exclu-
sive interest of this or of any
other Company which might
conflict with the reserved right
of our Government, that this
provision and also the other
limitations of our law should
be brought to the special
notice of this Government.
I respectfully request to be
instructed what official action
I shall take in the matter,
if any, in the event that Mr
Morris, or any other Agent of

the

the Company, shall again come hither for the purpose of obtaining a grant in the premises from this Government.

I have the honor to be,

Sir,

Your obedient servant,

Wm. A. Newyham

No 833.

Enclosure.

Copy.

Unofficial

Tokei, July 2, 1878.

His Excellency

Ito Hirobumi,

H.I.J.M's Minister of the Home Department,

Your Excellency:

I beg leave to introduce the bearer of this note, Captain Celso Caesar Moreno, who desires to have some conversation with you on the subject of telegraph communications.

I have the honor to be,

Sir

Sir,

Your obedient Servant,

(Sgd.) Jno. A. Bingham

Mr. Adee

No 834. Asst. Sec. Book will be by next mail. Sept 5. 1878 Adee

United States Legation,

Japan,

Tokei, July 22, 1878.

DEPARTMENT OF STATE
SEP
2
1878
RECEIVED

Mr Bingham

to the

Hon. Secretary of State.

Subject.

Requests a copy of the United States Statutes for the 2d Session of the 44th Congress. Vol 19.

No 834.

United States Legation,
Japan,
Tokei, July 22, 1878.

Hon. William M. Evarts,
Secretary of State,
Washington, D.C.

Sir:

I beg leave to request for the use of this Legation a copy of the United States Statutes for the 2d Session of the 44th Congress.

I have the honor to be,
Sir,
Your obedient servant,
Jno A Bingham

Mr Adee
Mr Clements

per Pan American

No 835.

New certificate sent as suggested Sept 9. 1878. ada



United States Legation,
Japan,
Tokei, July 22, 1878.

Mr Bingham
to the
Hon. Secretary of State.

Subject.

Mr Bingham procures and forwards to Mr Benson his exequatur as Vice Consul at Osaka. Mr Bingham suggests that the port of Hiogo be included in Mr Benson's certificate of appointment.

No 835.

United States Legation,
Japan,
Tokei, July 22, 1878.

Hon. William M. Evarts,
Secretary of State,
Washington, D.C.

Sir:

Referring to my No 824 of date the 9th instant in relation to the certificate of the appointment of Edward S. Benson Esq to be Vice Consul of the United States at Osaka, Japan, I have the honor to acquaint you that I have obtained from this Government an exequatur for Mr Benson as such officer and have transmitted the

same

same and a translation, together with the certificate of his appointment, through Mr Van Buren, the United States Consul General at Kanagawa. I beg leave to suggest that as the certificate names Mr Benson as Vice Consul only at Osaka, whether it would not be well to amend or supplement his certificate by including Higo as our Consul is appointed Consul for both ports.

I have the honor to be,

Sir,

Your obedient servant,

Jno. A. Bingham

Claims
Report of July 3. 79
of Comm. Jr.
Laid as per report
Jan 7, 1879
acc.

Mr O'Connor
Mr Adee

No 836.



United States Legation,
Japan,
Tokei, July 23, 1878.

Mr Bingham
to the
Hon. Secretary of State.

Subject.

Claim of H. Fogg and Co for the "Valetta".
Unofficial correspondence of Mr
Bingham with the Foreign Office
on the subject, and the final reply
of the Minister for Foreign Affairs denying
the equity of the claim. Mr Bingham
encloses copy of said reply, and also
the documents therein referred to,
and respectfully asks the Department's

attention thereto and instructions.

Enclosures.

1. Mr Mori to Mr Bingham, July 18 /78.
2. Contract of sale of "Catetta," Aug. 22, 1867.
3. Mr Ueno to Mr DeLong, 10th 6th month 6th year of Meiji.
4. Mr Smith's opinion enclosed with above.

No 836

United States Legation,
Japan,
Tokei, July 23, 1878.

Hon. William M. Evarts,
Secretary of State,
Washington, D.C.

Sir:

Referring to Instruction No 334 of date the 24th of November last in relation to the claim of Messrs — H. Fogg and Co in the matter of the sale of the barque "Valetta", I have the honor to report that in pursuance of your Instruction in March last I unofficially brought the

subject

subject to the attention
of His Excellency Mr
Terashima, the Minister for Foreign
Affairs, both verbally and by an
unofficial note of date March
26, 1878; that in reply to this
His Excellency on the 11th of
April last addressed to me a
note, in which, referring to
the fact that the sum of One
thousand dollars ($1000.00) was
heretofore proposed to be paid on
account of the claim by his
Government to my predecessor,
he states that this sum "was offered
"in payment of what it was thought
"there might be certain grounds for
"so doing, but not in payment of
"the claim set up by Messrs Case & Co
"as

"as Your Excellency (I) will find mentioned
"in an enclosure with the said note
"of Mr Uyeno". His Excellency then
adds that he is "unable to understand
"the grounds upon which" my Govern-
ment considers said sum "inadequate
"to the just indemnity of the claimants;"
and he therefore requests that if
my Government entertains any
different views from those expressed
in said enclosure (with Uyeno's
note) that I will acquaint him (Mr
Terashima) therewith.
In compliance with this request on
the 26th ultimo I addressed to Mr
Terashima an unofficial note setting
out the substance of the views entertained
by you of the equities of the claim
as communicated to me in your

Instruction

Instruction No 324 above referred to.
To this unofficial note His Excellency
Mr Terashima, by Mr Mori, Vice
Minister for Foreign Affairs, addressed
me a reply under date the 18th
1/836 instant, a copy of which reply
I have the honor to enclose (Enclosure 1.)
I think it well to enclose, in
connection with this reply of Mr
2/836 Mori, copies of the contract of sale,
3/836 of the reply of Mr Uyeno, Vice
Minister for Foreign Affairs, and
4/836 also of the enclosure therewith, being
the opinion in full of Mr Smith,
then the law officer of the Japanese
Foreign Office (Enclosures 2, 3 and 4.)
I furnish these copies last in my
No 28 of December 28, 1873, the same
did not appear, as by an omission

of

of the Secretary in making record of my No 28 three of the enclosures therein forwarded by me are designated on the record only by the numbers 1, 2 and 3.

You will observe that Mr Smith in suggesting the payment of One thousand dollars (1000^{00},) said that he recommended that "the offer "should be made to Case and be to "pay One thousand dollars (1000^{00}) " " with interest from the 25th of "August 1867, without prejudice, that is "to say, if they do not choose to accept "that sum in full satisfaction of their "claim, this Government is not to be "bound by the offer of compromise.

I respectfully request your further instructions in the matter

matter.

I have the honor to be,

Sir,

Your obedient servant,

Wm. A. Singleton

No 836

Enclosure 1.

Copy.

Foreign Office, Tokio,
The 18th the 7th month
The 11th year of Meiji.

H.E. John A. Bingham,
E.E. and M.P. of the U.S.A.

Sir:

I am directed by Mr Terashima to acknowledge the receipt of Y.Ex. unofficial note of the 26th ultimo in answer to dispatch No 8 of the 11th of the 4th month last, acquainting him more particularly with the views of your Government touching the amount and equity of the claim of Messrs

Case and Co in the matter of the sale of the barque "Vatetta".

H.E. remarks that the claim of Messrs Case and Co to indemnity is tacitly admitted by the offer to your predecessor, Mr Dickens, by Mr Ueyeno, then Assistant Minister for Foreign Affairs, on the 10th of the 6th month of the 6th year of Meiji of 1,000 dollars.

I beg also to observe in reply that my Government does not admit, and never has admitted that the claim of Messrs Case and Co is a legal one, but, on the contrary, it has uniformly maintained that the forfeiture of 1,000 ries already paid to Messrs Case and Co by Kinouchi Jinbei, an officer of the late Echigen

Kan, is the only damages to which they were entitled according to the strict principles of law. However, in consideration of the circumstances of the case, my Government, taking a liberal view, has thought it proper to offer Messrs Case and Co the sum of 1900 yen with interest, which sum by the terms of the contract Kisouchi Jinbei agreed to pay within two or three days.

I have the honor to be,

Sir,

Your obedient servant,

(Sgd.) Arimori Mori.

No 836.

Enclosure 2.

Copy.

Agreement entered into between Kinouchi Jinbei, an officer representing the Prince of Matsudaira Echizen no Kami and the undersigned—

The barque "Valetta" is sold with all her appurtenances for the sum of Twenty two thousand seven hundred dollars, to be paid as follows:—

One third cash—

One third on the first of the Japanese 12th month—

One third on the 1st of the Japanese 5th month.

To

To bind the agreement One thousand
rios are received today, one
thousand to be paid in two or
three days when the crew of the
"Valetta" will be sent away, except
the Captain and Mate, who will
remain until the cash payment
is made in full, when the flag
will be transferred and all papers
transferred and proper documents
to pay in time Specified given

(Signed.) Case and Co

The cash payment to be made in fifteen
days, otherwise this agreement finished
and money paid forfeited (day in fifteen
days.)

(Sgd.) Case and Co.

No 836.

Enclosure 3.

Copy of Translation.

Foreign Office, Tokei,
10th 6th month 6th year
of Meiji.

H. E. C. E. DeLong,
E. E. and M. P. of the U.S.A.
Sir.

After having had repeated conferences with Your Excellency in relation to the alleged breach of contract for the purchase of the barque 'Valetta' entered into between Messrs Case and Co, American Merchants, and Kuronushi Jinbei of the late Echigen Han, Mr

Soyeshima Tanenori, the Minister for Foreign Affairs, has told Y.E. that the above case would be decided after all the facts of the case have been plainly stated by the said Case and Co to Mr E. Peshine Smith, the legal adviser.

The main point of the claim made by Messrs Case and Co cannot be recognized as a legal one, but it has been decided to be proper to pay them 1000 rios only as mentioned in the contract to be paid within two or three days with the interest added.

I hope that you will be fully able to understand the particulars of the matter from the accompanying

document.

With respect and consideration,

(Sgd.) Ueno Kagenori,

Acting Minister for

Foreign Affairs.

No 836.

Enclosure 4.

Copy.

Case of the "Valetta".

On the 22d of August 1867 Kuronchi, a retainer of the Daimio of Echigen, signed and delivered to one Robinet, managing partner at Nagasaki of Case and Co, a paper stating his agreement to purchase the barque "Valetta" for $22,700, of which one third was to be paid in cash. The terms had been concerted the day before by two brokers. Kuronchi, however, declaring his inability to pay the cash on that day Mr Robinet in the name of Case and Co made a written agreement with Kuronchi, the Municipal

part of which is in these words, "to
"bind the agreement One thousand
"dros are received today; one
"thousand dollars to be paid
"in two or three days, when the
"crew of the 'Valetta' will be sent away
"except the Captain and mate who
"will remain until the cash payment
"will be made in full, when the flag
"will be transferred and all papers
"transferred x x x the cash payment
"to be made in fifteen days, otherwise
"this agreement finished."
I construe the two papers executed
at the same time precisely as Bale
and he did on the 11th December
1867 when in their letter to the
U.S. Vice Consul they said "both
"documents constituting the contract"

viz: one contract. It makes little difference whether we regard this as an agreement to sell at a future date or as a conditional sale in praesenti (at the very time of signing.) I think it was an agreement to sell at the Expiration of fifteen days, provided one third of the purchase money was paid at that time. Case and Co were careful to keep the possession until the 1/3 should be paid – and I think, to keep the property also.
They were not to change the flag nor to transfer the ship's papers until the cash payment was made in full.
The flag and the ship's papers are the indicia (marks) of the proprietorship of the vessel.
But however this may be, unless the cash payment was completed in fifteen

days, the agreement was finished; it came to an end, had served its purpose, and all things were as if the agreement had never been made, except that the "money paid" was "forfeited". Before the expiration of the three days in which the second 1000 ries were to be paid Kinoudi informed Lee and Co that his power to buy the vessel had been revoked and that he renounced the inchoate purchase. (The purchase which he had begun to make but which was not completed.) Lee and Co were then at liberty to sell the vessel to anybody else. Their own statement shows that they might have sold her for the same price at which they had agreed to

sell her to Kinouchi. If they had done so, they would have made a profit of 1000 rios. They chose not to sell her, but to retain her until the expiration of the fifteen days. At this time Kinouchi was careful to reiterate his declaration that he could not and would not complete the purchase. The agreement had stipulated what should be the result of this state of facts. It was that the agreement was finished and the money paid forfeited. Suppose that on the next (16th) day Kinouchi had received fresh instructions and had come to Case and Co, saying "now I want to be put in possession "of the 'Vatetta'. Here is $6566.66, which "with the $1000 I have already paid "you makes one third of the price of the

"vessel"; can it be doubted that Cass
and Leo might have lawfully replied,
"No, the agreement of bargain and
"sale is finished. You have no
"right to the barque even if you
"offered me $5000 more than the
"stipulated price. The $1000 paid
"is forfeited. The 'Valetta' remains
"our property and that is the
"end of the matter". But the agree-
ment does not mean one thing for
one side, the vendors, and another
thing for the other, the purchaser in
intention, who had made default
in the conditions of the bargain.
They had mutually agreed what the
consequences of default should be,
and what should be the penalty.
Acting strictly upon this view of the

case, the Saimidho had inclined to the opinion that the forfeiture of the 1000 ries which had been paid, was the only damages to which Kuinouchi or his master could be subjected. Looking however to the evidence outside of the written contract, we can infer that the promise to pay an additional 1000 ries within three days, was the consideration upon which Ieasu and Iles consented to give a credit of fifteen days for the remainder of the 1/3 of the price of the ship. It is not unjust that Kuinouchi should be in no better position because he has not fulfilled that promise than he would have been if he had performed it. If he had done so he would have

lost $2000 instead of $1000 on
failing to complete the cash payment.
It seems to me therefore to be
equitable to put Case and Co
in the same condition that they
would have been if Kinouchi had
paid the second 1000 dollars on the 25th
of August 1867, viz: to pay them
that sum with interest. It is
even generous, for as I gather
from the evidence, they might
have indemnified themselves
and obtained a profit by selling
the barque on the 25th of August
1867, and were, in effect, invited
to do so by Kinouchi.
There is a great deal in the
correspondence about this case
which I think entirely irrelevant.

Case and Co had long negotiations with the American Consul at Nagasaki and the Japanese Governor about selling the vessel. Neither of those officers had any power in the matter. The consent of neither was necessary to a sale, and neither had any right to prevent it. Both, I presume, acted in a friendly spirit to Case and Co, and if the latter have suffered by following their advice, which has proved to have been unfortunate, that is no reason why Kinouchi, or his principal, who certainly did not ask the intervention of either Consul or Governor, should be responsible for the loss.

I recommend, therefore, that the offer should be made to Case

and be to pay $1000.00 with interest from August 25, 1864 without prejudice - that is to say if they do not choose to accept that sum in full satisfaction of their claim, this Government is not to be bound by the offer of compromise, but is a full liberty to fall back upon the position that they have already received all the damages to which they are entitled.

(Sgd.) E. P. Smith.

W. Adee
Col. Morgan

No 837.



United States Legation,
Japan,
Tokei, July 23, 1878.

Mr Bingham
to the
Hon. Secretary of State.

Subject.
Enclosing duplicate accounts for the Quarter ending June 30, 1878.

Enclosures.
1. Statement of account.
2. Abstract of contingent expenses.
3. Four vouchers for contingencies.
4. Three exchange vouchers. H.W.C.

No 837.

United States Legation,
Japan,
Tokei, July 23, 1878.

Hon. William M. Evarts,
Secretary of State,
Washington D.C.

Sir:

Referring to my No 829 of date the 12th instant, with which I had the honor to enclose my first account statement and vouchers for the Quarter ending June 30, 1878, I now beg leave to enclose a duplicate in thereof.

The account with the state-
ment and vouchers herewith shows

that

that I have charged the Government therein for salary $3000.00 and on account of contingent expenses $99.61, total $3099.61; and credited the Government with draft on Messrs Morton, Rose and Co £616-9-2, on account of salary for said Quarter, for which I received the equivalent of $3000.00 United States gold, and no more, as per Banker's certificate; also with draft on same house for £25-10-4, on account of contingent expenses for said Quarter, for which I received in United States gold only the sum of $124.19, total credit to the Government $3124.19, leaving balance credited to the Government and charged to my account $24.58, for contingencies on current Quarter ending September 30th inst, which charge

against

against me being added to my account above, $3099 61, equals the sum of $3124 19 and balances the account as rendered.

I have the honor to be,

Sir,

Your obedient servant,

Jno. A Singhurst

Mr Adee

No 838.



United States Legation,
Japan,
Tokei, July 23, 1878.

Mr Bingham
to the
Hon. Secretary of State.

Subject.

Trade report for May. Exports $1,781,783^{88}. Imports $2,991,263^{62}. Import of specie and bullion $218,050^{00} – export $197,542^{00}.

Enclosure.

Report of trade for May.

No 838.

United States Legation,
Japan,
Tokei, July 23, 1878.

Hon. William M. Evarts,
Secretary of State,
Washington D.C.

Sir:

Herewith I have the honor to inclose the "Monthly Returns of His "Imperial Majesty's Customs of Japan" for the month of May last.

The exports for the month of domestic productions amounted in value to yen 1,781,783 88, and of imports to yen 2,991,263 62, showing an excess in value of imports over Exports of yen 1,209,479 74. The total import of

Specie

Specie and bullion amounted to yen 218,050 oo, and the total export thereof to yen 197,542 oo, showing a total balance against Japan for the month of yen 1,88,971 17, another bad showing for Japan.

I have the honor to be,

Sir,

Your obedient servant,

Wm A. Bingham